

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 16-2011-CA-002567
DIVISION: CV-D

A.D. and S.T., Individually
and on behalf of their adopted
children, J.D. and W.D.,

Plaintiff,

v.

FAMILY SUPPORT SERVICES OF
NORTH FLORIDA, INC., and
BOYS' HOME ASSOCIATION, INC.,

Defendant.

_____ /

VIDEO DEPOSITION OF S.T.

Taken on Behalf of Defendant

DATE TAKEN: Tuesday, January 12, 2016

TIME: 9:13 a.m. to 6:15 p.m.

PLACE: Cole, Scott & Kissane, PA
4686 Sunbeam Road
Jacksonville, Florida 32257

Examination of the witness taken before:

Denice C. Taylor, FPR

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13
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22 On Behalf of Defendant

23 Also present:
24 Amanda Andrews, videographer
25

1	TABLE OF CONTENTS	
2		PAGE
3	VIDEO DEPOSITION OF S.T.	
4	Direct Examination by Mr. O'Quinn	5
5	Certificate of Reporter	207
6	Certificate of Oath	208
7	Errata Sheet	209
8	DEFENDANT'S EXHIBIT INDEX	
9	MARKED FOR IDENTIFICATION	
10	Number 1 Report by Dr. Karen Palmer	57
11	Number 2 Materials reviewed by witness	58
12	Number 3 Email and attachment	58
13	Number 4 Discharge Report	71
14	Number 5 Email	75
15	Number 6 One page from Jasper Mountain Report	78
16	Number 7 Pacific Centre Report	90
17	Number 8 Email	94
18	Number 9 One page from Jasper Mountain Report	109
19	Number 10 Pacific Centre Discharge Report	126
20	Number 11 Jasper Mountain Report	153
21	Number 12 Jasper Mountain Support Plan	181

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
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S.T.,
having been produced and first duly sworn as a
witness, testified as follows:

1 THE WITNESS: I do.

2 DIRECT EXAMINATION

3 BY MR. O'QUINN:

4 Q Ms. T., I introduced myself a second ago.
5 I'm Robert O'Quinn. I represent the Boys' Home
6 Association. I've got some questions for you today,
7 and I want to make sure that if you don't understand
8 any of my questions, would you please let me know
9 that?

10 A Sure.

11 Q And if you answer the question, I'm going to
12 assume that you do understand the question, okay?

13 A Okay.

14 Q If you don't know the answer to a question,
15 would you please tell us that? I don't want you to
16 answer the question based on what you think normally
17 would happen or you assume any facts. Just tell us if
18 you don't know the answer, okay?

19 A Okay.

20 Q If you don't know the answer but you could
21 find the answer out, if you could tell us that too,
22 please.

23 I think you'll have plenty of time in
24 between my questions to answer the question, but if
25 you ever need any more time, please let me us know.

1 And it's not an endurance contest. Anytime
2 you want to take a break, just let us know. And even
3 without you letting us know, we'll be taking some
4 breaks anyway.

5 Have you ever had your deposition taken
6 before in any matter, for any reason?

7 A No.

8 Q Could you tell us your birth date, please.

9 A [REDACTED]

10 Q And that makes you how old right now?

11 A 49.

12 Q And where were you born?

13 A Montreal, Quebec, Canada.

14 Q And are you married?

15 A Married.

16 Q And to whom are you married?

17 A 17 years to A.D.

18 Q Is that your only marriage?

19 A It is.

20 Q Do you have any biological children?

21 A I don't.

22 Q Where do you presently live?

23 A Victoria, British Columbia, Canada.

24 Q And the street address?

25 A 992 Huckleberry Terrace.

1 Q How long have you-all lived there?

2 A Approximately 7 years.

3 Q How long had you lived there before W. and
4 J. came to live with you?

5 A Approximately one year, I think. We've
6 actually lived at that home probably about nine years.
7 So probably we were there one or two years previous to
8 adoption.

9 Q Okay. And how far is that from Happy Valley
10 School?

11 A Approximately two blocks.

12 Q How far did you go in school?

13 A I have post-secondary education.

14 Q Okay. You were born in Montreal. Where did
15 you grow up?

16 A I grew up in Victoria, primarily.

17 Q I have read in some of the records that you
18 were adopted; is that correct?

19 A That's correct.

20 Q How old were you when you were adopted?

21 A 18 months. Well, actually, no. I was
22 adopted as an adult. I was fostered from 18 months to
23 about age 25. And then I wanted to change my last
24 name to my -- what I consider my father's last name,
25 yes. T.

1 Q You said you came from a foster home?

2 A I didn't come from a foster home. I went
3 straight from my biological mother to the same foster
4 home that I was adopted to.

5 Q Okay. And did I also read correctly that
6 there were a total of eight adopted children in that
7 home?

8 A No. I was the only adopted child in my
9 home.

10 Q Okay. Where there any biological children?

11 A They were all biological --

12 Q How many?

13 A -- with the exception of me.

14 Q How many?

15 A Five.

16 Q Five. Okay. And so you grew up in
17 Victoria?

18 A Primarily.

19 Q Okay. Did you graduate from high school
20 there?

21 A I did.

22 Q And what year was that?

23 A 1984.

24 Q And what did you do after you graduated from
25 high school by way of education or work?

1 A I went to the University of Victoria.

2 Q And what did you study there?

3 A I studied to become a history teacher and a
4 physical education teacher.

5 Q And did you obtain a degree?

6 A I changed my path and decided to go into
7 more -- pursue a more technical degree and became a
8 systems engineer. So I attended two other
9 universities after that.

10 Q Okay. And what -- do you have a degree?

11 A Well, I'm a systems engineer.

12 Q Okay.

13 A Which is --

14 Q Okay. And by whom are you presently
15 employed?

16 A The British Columbia Provincial Government.

17 Q And how long have you been employed there?

18 A Approximately five years.

19 Q Where did you work before that?

20 A I worked for Nexinnovations.

21 Q And how do you spell that?

22 A N-E-X-I-N-N-O-V-A-T-I-O-N.

23 Q What do you do for them, British Columbia?

24 A I'm an information security officer or
25 security architect.

1 Q Explain that to the uninitiated me. What
2 does that mean?

3 A It means that I -- I review and determine if
4 there's been any security breaches on our network. I
5 investigate issues with respect to personnel maybe
6 doing the wrong thing with data. I ensure that the
7 provincial government data is secure. It's private.

8 Q I'm going to ask you some personal
9 questions. And I don't -- it's not that I'm prying,
10 but, you know, I'm curious as to why you and Mr. D.
11 went the adoption track rather than biological
12 children.

13 Did you not want to have biological
14 children, couldn't have them, just wanted to have
15 adopted children?

16 MS. SCHMERLING: Object to the form.

17 Q So I know that's a lot of questions. So let
18 me -- let me start with one. Can you explain why you
19 wanted to adopt children?

20 A Both A. and I are adopted, so we always knew
21 that we were going to adopt after we got married.

22 Q Okay. Was there a preference for adopted
23 children rather than biological children?

24 A Not a preference, but we did try and have
25 our own children, but it was taking some time. But

1 like I said, we had always planned to adopt. So we
2 proceeded with that.

3 Q Okay. Did you have an idea as to, you know,
4 how many children you would want to have?

5 A Oh, I wanted a lot. I wanted six.

6 Q Okay. Where did you and Mr. D. meet and
7 how?

8 MS. SCHMERLING: Object to the form.

9 A Well, we met in Victoria.

10 Q Okay. And how did you-all meet?

11 A Through friends.

12 Q Okay. And you said you had been married 17
13 years ago. How long did you-all know each other
14 before you-all got married?

15 A Probably six years, but I can't say for
16 sure. But at least six years. Yeah.

17 Q Okay. Describe the process, the adoption
18 process. When you-all made the decision that now is
19 the time to adopt some children, tell me how that
20 processed worked.

21 MS. SCHMERLING: Object to the form.

22 A Starting from the beginning of how you
23 proceed to get adopted --

24 Q Yes, ma'am. I've -- you know, never been
25 involved with --

1 A -- working with agencies --

2 Q Yes, ma'am.

3 A -- or what exactly?

4 Q Yeah. That's what I'm curious about.

5 A Well, we went and sought out an agency that
6 could complete a home study for us because that's the
7 first thing you need to do in order to be considered
8 parents that could adopt children.

9 Q And what adoption agency did you find to do
10 that home study?

11 A Choices.

12 Q And where is Choices located?

13 A Also in Victoria.

14 Q And so that home study was done. And what
15 happens with the home study and how is it given to any
16 adoption agencies? Walk me through that, please.

17 MS. SCHMERLING: Object to the form.

18 A Well, it's the adoption agency, Choices,
19 that has the -- there's a process that they need to
20 follow, and they gave us direction on what we needed
21 to do.

22 Q Okay. And what direction did they give you?
23 What did you have to do?

24 A Well, we needed to have, I believe, a
25 psychological profile done to ensure we were capable

1 people that could adopt children.

2 Q Okay. And after that, what was next?

3 A Well, I don't know the exact order. It was
4 some time ago. I'm trying to remember as best I can
5 some of the tasks we were given or some of the
6 processes, but I'm pretty sure I'm going to leave
7 something out. I'm not going to be able to remember
8 everything.

9 Let's see. We met with a psychologist, I
10 believe, and they asked us questions about the type of
11 children we'd like to adopt. We said children without
12 major behavioral problems, emotional issues, mental
13 illness, or abused children, that sort of thing

14 We took adoption education classes, which
15 was a prerequisite to adopt and part of the home study
16 as well. That's all I can remember right now.

17 Q And how did it come to be that you-all made
18 contact with -- I'll call them FSSNF, Florida -- I
19 don't know all the initials, but how did you come to
20 have contact with them?

21 A Well, once Choices qualified us as parents,
22 that, you know, should adopt children and we passed
23 all their prerequisites for adoption, we then were
24 told that there were photo listings --

25 Q That there were what?

1 A Photo listings.

2 Q Photo listings. Okay.

3 A Yeah. On websites for children that are
4 available for adoption in the United States. So we
5 looked at these photo listings, and we saw many
6 listings of children that were available for adoption.

7 So we submitted our home study or asked
8 Choices to submit home studies for us, inquire for us
9 to several photo listings. And one of them happened
10 to be FSS. Of course, we didn't know that at the
11 time. The photo listing doesn't say what agencies or
12 anything like that.

13 Q Right.

14 A And Choices submitted our home study.

15 Q Okay. Did you -- so you look at the photo
16 listings and you express an interest to Choices about
17 a particular child or children.

18 And what then -- that photo listing, does
19 that contain some information about kids?

20 A Yes. It contains -- well, their names and
21 whether they're a sibling group and what their race is
22 and their gender. Some of them contained
23 disabilities, that sort of thing.

24 Q Were W. and J. the only ones you expressed
25 interest in to Choice?

1 MS. SCHMERLING: Object to form.

2 A No. Like I was saying, we looked at a photo
3 list of several children in different areas of the
4 U.S.

5 Q Okay. And you mentioned that U.S. was --
6 were there any photo listings in Canada?

7 A Yes. We actually started our search to
8 adopt children in Canada, in British Columbia. In
9 Canada, we have provinces, I'm sure you know about,
10 and in British Columbia or -- we're only permitted to
11 adopt within our own province.

12 And A. and I wanted children that were
13 biracial or children that would look like us, and
14 there simply wasn't any. So we thought, why not go
15 next door to the U.S.? And they have plenty of
16 children that are biracial and black that are
17 available for adoption.

18 Q So you saw A. -- W. and J. So how did it go
19 after you identified them to Choice?

20 MS. SCHMERLING: Object to form.

21 A Well, Choices submitted our home study and I
22 would think that Choices received a -- some
23 communication. I don't know how. But at some point
24 Choices contacted us, I believe.

25 I wasn't -- I was not the one who received a

1 call from Choices. I didn't receive a call from FSS.
2 I believe it was my husband that received that call,
3 so I'm really not sure.

4 Q And what's your next knowledge of how the
5 contact with FSS -- of the next contact with FSS about
6 the kids?

7 MS. SCHMERLING: Object to the form.

8 A Well, like I said, he was not -- I don't
9 believe I was involved in the first communications. I
10 was actually going to university at the time. So I
11 can't really answer that.

12 Q Okay. What was your next involvement then?

13 MS. SCHMERLING: Object to the form.

14 A Well, like I was saying, I think there was a
15 few communications that I wasn't involved in.

16 Q Okay.

17 A At some point I was on a phone call, and I
18 believe it was with Choices.

19 Q Okay. And did that lead to communication
20 with the children and meeting the children?

21 A Well, that's a long ways down the road.

22 Q Okay. Tell me your recollection of
23 everything before you had any communication with the
24 children.

25 A Okay. I'll try and remember. That's a lot

1 of steps. I'll try to think about --

2 MS. SCHMERLING: I'm going to object to that
3 question.

4 Q You can go ahead as best you recall.

5 A Well, FSS had many steps. So I'm not
6 familiar with their process and what they asked of us,
7 but I believe mostly communications was with Choices
8 because I believe that they sent Choices some
9 documentation about the children, and we reviewed the
10 documentation about the children.

11 Q Okay. And then tell me about how it came to
12 be that you were able to communicate with the
13 children?

14 MS. SCHMERLING: Object to form.

15 A Well, at some point -- like I said, there
16 was a lot of steps. At some point it would have been
17 the FSS adopt -- the agency setting up some kind of
18 contact for us with the children.

19 Q Did you have telephone contact or Skype with
20 them before you actually met them?

21 MS. SCHMERLING: Object to the form.

22 A No Skype. I would have to think about that.
23 I would have to come back to that. I can't remember.

24 Q Sure. Oh, yeah, sure.

25 Now, what is your recollection of the first

1 time you met the children?

2 MS. SCHMERLING: Object to the form.

3 A What specific?

4 Q When did you first meet them?

5 A Okay. We came up for a visit in 2009.

6 Q The children came --

7 A We came to Jacksonville.

8 Q Okay. Tell me what you recall about that
9 visit. Was it a day visit? Where did you meet them?
10 What did you-all do?

11 MS. SCHMERLING: Object to form.

12 A We -- again, everything was set up by FSS
13 and I'm sure we went to their office.

14 Q Okay. Was it -- did that meeting take place
15 outside their office any or was it just at their
16 office?

17 A At their office.

18 Q Okay. And how long did you meet with the
19 children?

20 A I don't know.

21 Q Okay. And when was the next meeting?

22 A I can't remember how long we stayed here in
23 Jacksonville, but certainly we saw the children each
24 day we were here. I just can't remember how long we
25 were here for.

1 Q And then when was the next meeting?

2 MS. SCHMERLING: Object to form.

3 A I'm not sure what you mean by meeting.

4 Q When did -- after that visit, you went back
5 to British Columbia. When did you next see the
6 children?

7 A I don't remember how long. Months later.

8 Q Okay. Was there another face-to-face
9 meeting before they came to British Columbia?

10 A Yes, there was.

11 Q Okay. Tell me what you recall about that
12 second meeting.

13 MS. SCHMERLING: Object to the form.

14 A What specifically are you asking?

15 Q Everything you recall about it. Was it
16 multi-day?

17 A We stayed more than one day.

18 Q Okay. And did you see the children anyplace
19 other than FSS's office?

20 A Yes.

21 Q Okay. Tell me where you saw them, what
22 you-all did. Did you do any activities? Go to the
23 zoo, go to a movie, go to a park?

24 MS. SCHMERLING: Object to the form.

25 A We -- I believe we went to some kind of a

1 science center.

2 Q Okay.

3 A And I believe we went to their foster
4 mother's home. Brenda Mikus.

5 Q What else do you recall about that visit?

6 A Well, those are the few places that I
7 remember visiting while we were here on our second
8 visit. What else specifically would you like to know?

9 Q Okay. What happened after that? When did
10 you next see the children?

11 A Well, after that particular visit, they came
12 back to Victoria, British Columbia with us.

13 Q And that would have been in April of 2009.
14 Was that when -- did they stay when they
15 came back with you?

16 A I believe we left Jacksonville April 30,
17 2009.

18 Q Okay. And was it just the four of you going
19 back or was someone from Choices or someone from FSS
20 with you?

21 A The four of us.

22 Q Before that second visit, what had FSS or
23 Choices told you about the children?

24 MS. SCHMERLING: Object to the form.

25 A Can you repeat the question, please?

1 Q Yes, ma'am. Before the four of you went
2 back to British Columbia on April 30, 2009, what had
3 either FSS or Choices told you about the children?

4 MS. SCHMERLING: Object to form.

5 A Well, like I was saying, at the beginning
6 FSS provided Choices with some documentation with
7 respect to the children, and that's what we read and
8 that's what we knew about the children.

9 THE WITNESS: Do you mind if I just stretch
10 my leg for a minute?

11 MR. O'QUINN: Not a bit.

12 THE VIDEOGRAPHER: Off the record at
13 9:43 a.m.

14 (Off the record)

15 THE VIDEOGRAPHER: Back on the record. The
16 time is 9:48 a.m.

17 BY MR. O'QUINN:

18 Q I think we left off, you said that FSS had
19 provided Choices with some documentation. And I was
20 going to ask if you recall what documentation you were
21 provided initially by Choices.

22 A There was some information regarding the
23 children's birth mother. It contained their -- the
24 foster home, a little bit of information about some of
25 the foster homes and sort of the ages they were at

1 each foster home.

2 And there was some information, I think,
3 about schools they were attending. It was a
4 preschool.

5 Q Anything else that you recall?

6 A Not at this time.

7 Q Okay. Do you still have that documentation
8 that you were provided at that time?

9 A I think so.

10 Q Okay. Would you be able to identify it as
11 this is what we were provided before we brought the
12 children back to British Columbia?

13 A I think so.

14 Q Okay. Now, you said you had to take
15 education course on adoption; is that correct?

16 A Yes.

17 Q Other than -- and did you take that through
18 Choices?

19 A Yes. They arranged for these courses. We
20 didn't necessarily take all the instruction through
21 the Choices agency, but they had these different
22 courses lined up for us to take.

23 Q Do you recall what courses that you took?

24 A No. I would just say adoption education. I
25 have no idea what that . . .

1 Q Did you take those in person or online or a
2 combination?

3 A I believe they were all in person.

4 Q Other than those courses, did you have any
5 other kind of education that you obtained regarding
6 adoption?

7 A No.

8 Q Do you know whether that education included
9 adopting a child -- children from foster care as
10 opposed to children straight from birth?

11 MS. SCHMERLING: Object to form.

12 A I know that we took a course on adopting
13 children from foster care.

14 Q Was the issue of prenatal alcohol or drug
15 use by the mother addressed at all?

16 MS. SCHMERLING: Object to form.

17 A Fetal alcoholism was addressed.

18 Q Okay. And did that address drug use or was
19 it just limited to alcohol?

20 A I remember it as educational material about
21 alcoholism.

22 Q Have you ever looked into fetal alcohol or
23 drug use affecting a child?

24 MS. SCHMERLING: Object to form.

25 Q Ever done any research on your own, gotten

1 online?

2 A No.

3 Q Were you ever told that while the mother was
4 pregnant with W., that she tested positive -- the
5 mother had tested positive for marijuana?

6 A No.

7 Q Were you ever told that his father was in
8 jail for selling cocaine?

9 A I don't believe that's in the documentation
10 we received.

11 Q I saw a reference that you were provided
12 with psychological evaluations of W. and J. Do you
13 recall getting those?

14 A I believe at some point we did receive some
15 evaluations.

16 Q Do you recall whether that was in the
17 material you received before you and the children went
18 back to British Columbia or after?

19 A I can't say for sure. I would have to think
20 about that.

21 Q Okay. I know that you got some financial
22 assistance from FSS, and I know that it was increased
23 at some point.

24 Were you only interested in adopting
25 children where you would have financial assistance

1 provided?

2 MS. SCHMERLING: Object to form.

3 A We didn't even know that we were getting any
4 kind of assistance.

5 Q Okay.

6 A When we adopted the children.

7 Q Okay. Are you still receiving any financial
8 assistance from FSS?

9 A We are getting a subsidy.

10 Q From FSS?

11 A Yes.

12 Q Okay. I show that on March 31, 2010, it was
13 \$465 a month per child. Do you know how much it is
14 now?

15 A In total?

16 Q No, no, no. Just per month.

17 A In total for what child?

18 Q Yes. How much for W. and how much for J.?

19 A For W., he is receiving over \$3,000 a month.

20 Q And how about for J.?

21 A For J., just over 400, I believe.

22 Q 400?

23 A Just over, I believe.

24 Q And is that from FSS?

25 MS. SCHMERLING: Object to form.

1 Q Is that from FSS?

2 MS. SCHMERLING: Same objection.

3 A The subsidy was approved by FSS. I don't
4 know where the funds come from.

5 Q Okay. While we're on this subject, does --
6 do you-all receive any assistance from any
7 governmental entities, be it from the U.S. or Florida
8 or British Columbia or Victoria?

9 MS. SCHMERLING: Object to form.

10 A I'm not sure I understand your question.

11 Q How are -- well, we'll come back to it at a
12 better time structure-wise.

13 You-all went back to Canada, you said, on
14 April 30th of 2009?

15 A Around there.

16 Q Okay. Tell me how it went when you first
17 got back to Canada. And I think I know that Mr. D.
18 took a nine-month parental leave; is that correct?

19 A Yes.

20 Q Okay. So I assume he's going to be at home
21 every day with the kids. Did you initially take any
22 time off after you-all got back?

23 A Well, I think we returned probably on a
24 weekend, so we would have been off work.

25 Q But, I mean, as far as taking time from

1 work, Mr. D. took off nine months. Did you take off
2 any time initially when you got back?

3 A I don't recall exactly. I may have taken
4 some time during that nine months, but I would have to
5 think about that.

6 Q Okay.

7 A Yeah.

8 Q Yeah. Tell me, you know, as best you recall
9 what was happening initially. What were Mr. D. and
10 the children doing during the day?

11 MS. SCHMERLING: Object to the form.

12 Q Did you take them around and meet family and
13 your friends?

14 A Well, I was working, I believe. So I don't
15 know exactly what they did every day. Do you have
16 something more specific?

17 Q Well, what's your general understanding? I
18 mean, you know, was Mr. D. taking them to the park?
19 Was he showing around British Columbia?

20 MS. SCHMERLING: Object to the form.

21 A A. is a great daddy. So I'm sure he was
22 taking them out to a number of places, but I can't
23 exactly remember.

24 Q Okay. At any time have you ever kept a
25 journal or any notes since you adopted -- or since the

1 children came back with you in April?

2 MS. SCHMERLING: For the record, I'm going
3 to just object to the extent that any questions
4 seek any details of any journals or diaries on
5 the basis of attorney-client work-product
6 privilege.

7 You can ask her general questions, but not
8 about any content of anything she may have
9 completed.

10 MR. O'QUINN: Okay.

11 BY MR. O'QUINN:

12 Q At any time before you contacted a lawyer,
13 did you keep any journal or diary or notes regarding
14 the children?

15 A I kept a journal after contacting our
16 attorneys.

17 Q Okay. Okay. Nothing before that?

18 A Not a journal.

19 Q Okay. Well, not a journal. How about any
20 notes that you may have made regarding the children
21 before you contacted your lawyer?

22 A We kept the documents that we received from
23 Choices, and I don't recall making any notes.

24 Q Okay. Did you make any entries on a
25 calendar ever?

1 A No.

2 Q Okay.

3 A Well, our flights, you know, previous to,
4 you know, coming out here. We put that on a
5 calendar-type thing.

6 Q But you say after you contacted your lawyer,
7 you started keeping the diary or a journal?

8 A Correct.

9 Q Did your lawyers ask you to do that, or did
10 you just do that on your own?

11 MS. SCHMERLING: Object to form. And
12 instruct the client not to answer any
13 communications between attorneys.

14 Q I think I also saw that Choices was required
15 to have a face-to-face meeting with you and the
16 children every 25 days for the first three months.

17 Did those take place with Choices?

18 A Well, I believe it was a contract with
19 Choices and I don't recall --

20 Q It was what?

21 A There was a person that did meet with us.

22 Q Okay.

23 A They may have worked for Choices.

24 Q Okay. Who is that person?

25 A She was the psychologist, I believe. I

1 don't know.

2 Q Do you recall her name?

3 A Her name may have been Janette.

4 Q And do you recall how many times you met
5 with her?

6 A No.

7 Q When you-all first got back to Canada, that
8 would have been in April, and I think J. started
9 kindergarten in April at David Cameron School. Does
10 that ring a bell?

11 A She didn't start school in April.

12 Q Okay. I thought she -- I thought I saw a
13 reference that she finished kindergarten starting in
14 April, and then started --

15 A She finished kindergarten, but I don't
16 remember her starting in April.

17 Q Okay. Do you recall where she did the
18 kindergarten? Was that at David Cameron?

19 A It was at David Cameron School.

20 Q Okay. And then she started first grade at
21 Happy Valley in September?

22 A That's correct.

23 Q How did the acclamation process go after
24 you-all got back from Jacksonville in April?

25 MS. SCHMERLING: Object to form.

1 A Can you be a little bit more specific,
2 please?

3 Q Yeah. How did the kids adapt or adjust to
4 being -- you know, adjust to being with you and Mr. D.
5 and to being in a new place?

6 MS. SCHMERLING: Object to form.

7 A That's a good question. I'm not even sure
8 how to break that down. Let me see.

9 What time period are you talking about?

10 Q Initially. When you get back end of April,
11 beginning of May.

12 A So before she went to school?

13 Q Yes, ma'am. Yeah. Well, walk -- walk me
14 through that -- that early period.

15 A What time period? When you say early,
16 what -- I'm not sure --

17 Q Right when you get back.

18 A Right when we get back?

19 Q Yes, ma'am. You know, before school starts.

20 A Before school starts. Okay.

21 They got to meet their new dog and they saw
22 their bedrooms that we decorated that said "It's a
23 Boy" and "It's a Girl." And they met the neighbors.
24 And we went to a fun fair at a local school. And they
25 met my family probably within that month of May,

1 maybe.

2 Q Okay.

3 A So went to the zoo, petting zoo, that kind
4 of thing. So we did a number of family activities.

5 Q Okay. Did it seem like W. and J. were
6 adjusting well?

7 MS. SCHMERLING: Object to form.

8 A I can speak to what we did. I can't
9 really -- I don't know what was going through their
10 mind or how they were --

11 Q Well, how were they acting?

12 MS. SCHMERLING: Object to form.

13 A Well, when we attended the petting zoo, for
14 example, they were super excited and happy to be with
15 them. And they were excited to meet their extended
16 family and that they had a dog and a yard and their
17 own bedrooms. Neighbor kids to play with.

18 Q Okay. Do you have any family that lives in
19 Victoria?

20 A Yes.

21 Q Tell us -- tell us about that, please. Are
22 your parents in Victoria?

23 A Yes.

24 Q And what are their names?

25 A Joan and Edna.

1 Q John and Edna?

2 A Correct.

3 Q And how about siblings in Victoria?

4 A Yes, I have some siblings in Victoria.

5 Q What are their names?

6 A Jill.

7 Q Jill?

8 A David. And that's it in Victoria.

9 Q What is Jill's last name?

10 A Sartorio.

11 Q Can you spell that for me, please?

12 A S-A-R-T-O-R-I-O.

13 Q And what is David's last name?

14 A Tyler.

15 Q Do you have any other family in Victoria?

16 A Not in Victoria.

17 Q Okay. And where are your other siblings?

18 How far away are they?

19 A Some of them are hours away.

20 Q Okay. How about Mr. D? Does he have any

21 family in Victoria?

22 A Yes.

23 Q And who is that?

24 A His parents are in Victoria.

25 Q And what are their names?

1 A Mike and Molly.

2 Q Any siblings?

3 A He was one sister, Joanne.

4 Q What is her last name?

5 A Dunn.

6 Q D-U-N-N?

7 A Correct.

8 THE VIDEOGRAPHER: We have about five
9 minutes of tape left.

10 MR. O'QUINN: Okay.

11 BY MR. O'QUINN:

12 Q In that initial period, say that initial
13 three-year period, did the children meet Mike and
14 Molly Dolan?

15 A No.

16 Q And why is that?

17 MS. SCHMERLING: Object to form.

18 A Why haven't they met?

19 Q Yes, ma'am.

20 A They were not introduced to them because his
21 parents are -- have not adjusted to us having a
22 biracial relationship.

23 Q And when you say, by us having a biracial
24 relationship, does that mean you and Mr. A.D.?

25 A That's correct.

1 Q Okay. How about Joanne Dunn? Has she met
2 J. and W.?

3 A No.

4 Q Has she adjusted to your and Mr. D's
5 relationship?

6 A I don't know.

7 MS. SCHMERLING: Object to form.

8 Q Is there any reason that Joanne Dunn has not
9 met the children?

10 MS. SCHMERLING: Object to form.

11 A (Indiscernible)

12 Q Pardon?

13 A I have no idea. She knows where we live, so
14 I'm not sure why she hadn't stopped by.

15 Q Okay. And you said your neighbors. Who are
16 your neighbors? Well, let me ask you this.

17 Who were your neighbors when the children
18 initially came back?

19 MS. SCHMERLING: Object to the form.

20 A Their names or --

21 Q Yes, ma'am.

22 A I don't know if I can remember them all.

23 Q Okay. Well, you mentioned they met and
24 played with kids. Who are the kids in the
25 neighborhood with whom they played?

1 MS. SCHMERLING: I'm going to object to you
2 putting the names of any other nonparty minor
3 children on the record. If you know first names,
4 that's fine.

5 A Tristin.

6 Q I'm sorry?

7 A Tristin.

8 Q Tristin.

9 A Rury.

10 Q And how do you spell that?

11 A R-U-R-Y, I think.

12 Q Anybody else you can think of?

13 A No, I can't think of anybody right now.

14 Q As you are standing in the street looking at
15 your house, what are your next-door neighbors to the
16 left? What are their names?

17 MS. SCHMERLING: Are you asking currently or
18 in 2009?

19 Q Currently.

20 A I don't know. They just moved in.

21 Q They just moved in?

22 A Yes. I've not met the neighbors.

23 Q Okay. Before those people, who were those
24 neighbors?

25 A There's been probably roughly five families

1 that have moved in and out of that house in the last
2 few years.

3 Q Do you know the names of any of them?

4 A No.

5 Q Okay.

6 A They're college students or -- yeah.

7 MR. O'QUINN: Okay. I'm going to ask about
8 the other side of the -- as you look at your
9 house, the people to the right, but we probably
10 need to change our tape before we do that.

11 THE VIDEOGRAPHER: Going off the road. The
12 time is 10:17 a.m. This is the end of Videotape
13 Number 1.

14 (A break was taken.)

15 THE VIDEOGRAPHER: Back on the record. The
16 time is 10:27 a.m. This is the beginning of
17 Videotape Number 2.

18 BY MR. O'QUINN:

19 Q I think when we left off, I was going to ask
20 you about your neighbors, who your neighbors are if
21 you're standing on the street and looking at your
22 house, your neighbors to your right.

23 A Who are they now or --

24 Q Yes, ma'am. Yes, ma'am.

25 A Rick and Natalia.

1 Q And what's their last name; do you know?

2 A No.

3 Q How long have they been there?

4 A A few years, I think.

5 Q Do you remember who was there before they

6 were?

7 A Yes.

8 Q And who is that?

9 A Marty and Tara.

10 Q And do you recall their names?

11 A Pardon?

12 Q Or do you recall their last name?

13 A No. Sorry.

14 Q Now, during the period of time after you-all
15 went back to Victoria and before school started in the
16 fall, did you ever talk to the children about any of
17 their previous foster homes?

18 MS. SCHMERLING: Object to form.

19 A No.

20 Q Okay. Let's talk about, then, in September
21 of 2009 when J. started first grade at Happy Valley
22 and W. started kindergarten at Happy Valley.

23 How did -- well, let me ask you this. You
24 said that J. completed kindergarten at Happy -- at
25 David Cameron. When did she do that if she didn't do

1 it before September of '09?

2 A Now I'm trying to remember if she was in
3 kindergarten or grade one when she first came to us.
4 She was six. She would have been grade one at David
5 Cameron. She finished the school year at David
6 Cameron when she came to Victoria, I believe.

7 Q Okay.

8 A I'm trying to remember if it was Cameron in
9 grade one. I would have to look at some notes.

10 Q Okay. So she finished whatever she was in
11 at David Cameron --

12 A Yes.

13 Q -- and would she have done that in the
14 spring after you-all got back and then started at
15 Happy Valley in September?

16 A That's right. Yeah. She really wanted to
17 go back to school so . . .

18 Q Okay. And was there any problem with -- at
19 David Cameron when she was finishing whatever she was
20 in, either first grade or kindergarten?

21 A Problem?

22 MS. SCHMERLING: Object to form.

23 Q Yeah. Did that go okay? Acclamation for a
24 new school, any problems with that?

25 MS. SCHMERLING: Object to form.

1 A She went into the next grade. Is that what
2 you're asking me?

3 Q Well, she was going to a new school, David
4 Cameron.

5 A To the next grade.

6 Q David Cameron was a new school for her.

7 A Yeah. David Cameron was the first school
8 she attended when we went back to Victoria.

9 Q Okay. So how was that? Did she have any
10 problems moving into a new school, meeting new
11 children, having a new teacher?

12 MS. SCHMERLING: Object to form.

13 A Well, problem. That's kind of vague. She
14 was taken to school by my husband, but I do remember
15 A. talking about some behavioral issues that he
16 encountered bringing her to school in that school.

17 Q What do you mean, bringing her to school?
18 Is your recollection on actual trip to school or
19 behavioral issues actually in the school?

20 A I'm not sure. I certainly know that when he
21 was in the school building, he encountered some
22 behavioral problems with J.

23 Q Okay. Were you ever involved in any of
24 those behavioral issues at David Cameron, either you
25 yourself visiting the school --

1 A I didn't take J. to school.

2 Q Okay.

3 A A. did.

4 Q Okay. But you never had any kind of, you
5 know, father-and-mother meeting at David Cameron
6 regarding any behavioral issues with J.?

7 A I don't recall anyone taking J. to school,
8 to David Cameron, except for A.

9 Q Okay. So then we start a new school for J.
10 and W. in September of 2009, and that's Happy Valley?

11 A Yes.

12 Q Okay. Tell me your recollection of how that
13 went, that school year, the beginning of that school
14 year. And let's -- you know, we'll first address J.
15 and then we'll address W.

16 So what's your -- what's your recollection
17 of J.'s fall at Happy Valley?

18 A Well, she was pretty excited to go to
19 school. She was happy to walk to school because it
20 was a couple of blocks away. She was happy that her
21 brother was going to the same school.

22 Q And did she have any behavioral issues that
23 fall at Happy Valley?

24 MS. SCHMERLING: Object to form.

25 A I would have to think about that. Possibly.

1 I would have to think about that.

2 Q Okay. Well, at some point did she develop
3 behavioral issues at Happy Valley?

4 A That year or any time?

5 Q At any time.

6 A Yes.

7 Q Okay. Do you recall when those were, when
8 they first started to develop?

9 A I'll have to think about that. When it
10 first started, I'm sure it was early on, but I would
11 have to -- have to think about that.

12 Q Okay. When they started to -- when they
13 started to develop, what were they? What were the
14 problems that she was having at school?

15 A She had a problem socializing, problems with
16 peer -- peer issues. Social -- yeah, sharing.

17 Q Any problems with the teachers?

18 A Well, there were several types of behavior
19 problems besides the peer issue -- several peer
20 issues. That would take me some time to think
21 about. Yeah, I'll have to think about exactly what
22 those were.

23 But she certainly had a problem with
24 standing in line and taking turns, that kind of thing.
25 She had some hearing -- some hearing issues as well.

1 Had some difficulty taking directions.

2 You mentioned -- I know that list is bigger,
3 but you also -- I know that list is longer than that.
4 I would have to think about that.

5 Q Sure.

6 A But your next question was with respect to
7 the teachers?

8 Q Yes, ma'am.

9 A So, yeah, along the lines, you know, of not
10 following directions. You know, tearing up her paper
11 if she didn't like the assignment she was giving --
12 given. Tipping over her desk. Stomping her feet.
13 Lying.

14 Q What was the last one?

15 A Telling lies. I know there's more. I'll
16 have to think about that.

17 Q You mentioned lying. What kind of lies
18 would she tell?

19 A Well, for example, she would steal other
20 kids' lunches. Another child may see her eating their
21 lunch and she would deny that she took it. Maybe
22 claim that she brought it from home. Those kind of
23 things.

24 Q Okay. Do you recall whether those were in
25 the fall, early in the school year, or whether they

1 developed later in the school year?

2 A Well, like I was saying, I don't exactly
3 recall when the behavior started showing up that I
4 started noticing these types of behaviors, but within
5 her time at Happy Valley, I can speak to the many
6 behavioral problems that we encountered.

7 So I can't say fall or spring. I would say
8 throughout her duration at Happy Valley.

9 Q And how about W. at Happy Valley there in
10 the fall? How did that go?

11 A W. was pretty sad to go to school. He cried
12 a lot.

13 Q Yeah. Sunday was always a bad day. You had
14 to go to Sunday School and had to go back to school
15 the next day. So for me that was a bad day.

16 All right. As far as discipline goes, any
17 problems with W. beginning that school year, 2009?

18 MS. SCHMERLING: Object to the form.

19 A Well, in the -- when he started school in
20 September, they said he would cry when he got to
21 school. And we were told by the school that he would
22 run out of class, that he hit other children,
23 screamed, shouted out, didn't take turns, broke toys.

24 Q And did that continue during the time
25 that W. was at Happy Valley?

1 A Well, he had a lot of behavioral issues.
2 Those were some of them. Certainly know there was
3 more. Didn't always want to do the work that he was
4 given.

5 Sometimes he was sent to the principal's
6 office. Sometimes he went to the library with the
7 principal. Kicking other kids sometimes.

8 Q During this period of time -- and I'm
9 focusing on September 2009, into that fall when
10 they're starting back in school -- how was the
11 behavior at home?

12 MS. SCHMERLING: Object to the form.

13 A Well, I certainly remember one day that we
14 got a call from the school that W. was choking himself
15 with his sweater, almost strangling himself. And we
16 were really concerned.

17 Q And what was your response to that? Did one
18 of you go to the school?

19 A Yeah. Go to the school, have a talk with
20 the principal, the teacher. Get some help.

21 Q And did you go or did Mr. D. go or both?

22 A Well, if it was during the nine months, it
23 would have been A. picking him up. And then A. and I
24 would have had a meeting at some point when I was
25 available.

1 We had some great concerns about W.'s
2 behavior and him wanting to hurt himself. And we
3 started counseling shortly after that, I believe.

4 Q Okay. You said you had concerns with him
5 hurting himself. Were there any other examples other
6 than the school incident with his sweater?

7 A I remember him making his nose bleed
8 intentionally.

9 Q Did he do that more than once?

10 A Yes.

11 Q How frequently did he do that?

12 A I don't recall frequently, but I know it was
13 enough to send alarm bells that we need to seek some
14 help. This isn't -- something is wrong here, wrong
15 with this child making his nose bleed.

16 Q And how would he do that?

17 A Well, we caught him picking his nose until
18 it bled, punching himself in the nose.

19 Q And you said you sought counseling. Who was
20 that with?

21 A That was with Pacific Centre.

22 Q Any particular person?

23 A They assigned him to a therapist named
24 Sarah Bradley.

25 Q And what is Pacific Centre?

1 MS. SCHMERLING: Object to the form.

2 A I'm just going to take a look at my
3 paperwork.

4 Q Sure.

5 A I'll have the full name for you here.
6 Pacific Centre Family Services Association.

7 Q And how did you --

8 A And the program is called Sexual Abuse
9 Intervention Program.

10 Q Thank you. How did you get in touch with
11 Pacific Centre?

12 A We contacted a hospital called Queen
13 Alexandra, and the contact there put out calls to this
14 agency, I guess. This is where we ended up being told
15 to go.

16 Q Okay. And that was when you were seeking
17 counseling for W.?

18 A Yes.

19 Q Okay.

20 A And for J.

21 Q Well, we've talked about -- I think you've
22 indicated or I've interpreted what you told us about
23 the sweater incident as being the precipitating factor
24 in getting counseling for W. Is that correct?

25 MS. SCHMERLING: Object to the form.

1 A There were a number of behaviors.

2 Q Okay. And did W. and J. start getting
3 counseling at Pacific Centre about the same time?

4 A I believe within a couple months of each
5 other. I believe.

6 Q Do you recall which one was first?

7 A I think W. was first.

8 Q Okay. And what was the precipitating factor
9 in J. getting counseling there too?

10 A Well, J. had behavior issues as well. I
11 listed a few. I said I know there's more, but after
12 the sweater incident and some other incidents, the
13 children just started talking to us about issues they
14 encountered in foster care that gave us great concern.

15 And we knew what they were saying was pretty
16 horrendous and we needed to get them some help.

17 Q Okay. When did the children start doing the
18 talking?

19 A It was after we adopted them. So probably
20 within about five months of being with us.

21 Q You said after you adopted them. My
22 recollection is, as you said, you-all went back to
23 Victoria about April 30, '09. The official adoption
24 was in August of '09. Is that about your
25 recollection?

1 A Yes.

2 Q Okay. And when you said this first -- the
3 kids first started talking about, you know, the foster
4 homes was sometime after adoption. Did you mean after
5 August or after April?

6 A Oh, it was after August.

7 Q Okay. Okay.

8 A Yeah. School had started and -- yeah, it
9 was a couple months into school, I think.

10 Q And which child started talking about it
11 first, J. or W.?

12 A J.

13 Q Did she first start mentioning it to you or
14 to Mr. D?

15 A To me.

16 Q Okay. Tell me -- tell me your recollection
17 of that first mention.

18 A She just started talking about their first
19 foster home, and that was the first time I had heard
20 of a Ms. Smith. She referred to the foster mother's
21 name as Ms. Smith.

22 Q Okay. And what -- what did she say?

23 A It would be hard to remember everything, but
24 she started talking about how Ms. Smith beat them.
25 She beat them with various objects, like wooden

1 boards. She punched them. She punched them in the
2 face, they said, and they -- and all over their body
3 and slapped them.

4 She talked about how they didn't always have
5 food to eat. And at times when they did get food, it
6 wasn't real food or it tasted awful.

7 Q Was that in this initial conversation you
8 had with J. that she told you those things, or are
9 those things she told you over time?

10 A I believe those few things were -- one of
11 the initial conversations. There's a lot more that
12 she talked about that she mentioned.

13 Q Anything else you recall about that initial
14 conversation?

15 A I just remember being shocked and just
16 listening to how these poor little kids' bodies
17 getting beaten with wooden boards and not having
18 enough food to eat.

19 Q Was Mr. D. present in that conversation?

20 A Not in that initial conversation.

21 Q Okay. And then do you recall where that
22 conversation took place?

23 A In our upstairs, living room or dining room.

24 Q Okay. Tell me what you did after that.

25 What was your -- did you go talk with Mr. D. about it?

1 Tell me what happened after that conversation.

2 A Yeah. Well -- well, I listened to the kids
3 and whatever they needed to talk about. Like I said,
4 this is pretty shocking, and I'm sure they said more
5 than that in the first -- first time they mentioned
6 it, but I think I just -- I just let them sort of talk
7 out what they needed to talk about.

8 I'm pretty sure it was in the evening, so
9 they needed to go to bed as well. So I -- after they
10 went to bed, I talked to A. and told him what they had
11 said.

12 Q Well, this initial conversation, was it just
13 you and J. or you and J. and W.?

14 A Myself, J. and W.

15 Q Okay. And I thought you had indicated that
16 J. was talking. Was W. also talking?

17 A W. was agreeing with what J. had to say.

18 Q How long was that first conversation; do you
19 recall?

20 A I don't recall how long.

21 Q And did you actually recall talking with
22 Mr. Williams about that first conversation?

23 MS. SCHMERLING: Object to form.

24 A A.?

25 Q Yeah. I'm sorry. Yeah, Mr. D.

1 Do you have an actual recollection of that
2 first conversation with Mr. D. after you had spoken
3 with J.?

4 A I don't recall the conversation, but I know
5 that I -- I talked to him.

6 Q Okay. And so at that point, had either W.
7 or J. had any therapy with Pacific Centre?

8 A No.

9 Q Okay. At that point, had either had any
10 counseling or met with the counselor at Happy Valley,
11 who I think was Judy Hoffman?

12 A I don't think so.

13 Q Okay. Do you have a recollection of any
14 other conversations with J. and W. other than that
15 first one before either one had counseling with either
16 Judy Hoffman at the school or with Sarah Bradley at
17 Pacific Centre for W. and I think initially Adele at
18 Pacific Centre for J.?

19 MS. SCHMERLING: Object to form.

20 Q That was a long question.

21 After that initial time you spoke with J.
22 and W., did you have any other discussions with them
23 regarding the foster homes before they had therapy or
24 counseling?

25 A Yes.

1 Q Okay. Tell me about those other
2 conversations. What was the next conversation you had
3 with J. or W. about their previous foster homes?

4 A J. disclosed a lot more abuse that she
5 encountered at Ms. Smith's home.

6 Q And what was that?

7 A She said that when they were put to bed,
8 Ms. Smith would touch their privates, put her mouth on
9 their privates.

10 Q That was after they were actually in bed she
11 would do that?

12 MS. SCHMERLING: Object to the form.

13 A I don't know. But she -- but she did do
14 this around bedtime. This was one of her things she
15 did.

16 Q I mean, would it be while she was in bed or,
17 you know, before she was in bed, standing up?

18 MS. SCHMERLING: Object to the form.

19 Q I mean, do you have a recollection of what
20 J. was describing and how it was done?

21 A One comment she made with respect to W. and
22 Ms. Smith was W. would be on a bed and she would --
23 Ms. Smith would kiss W.'s privates, do something with
24 his privates with her mouth.

25 Q What else did J. tell you?

1 MS. SCHMERLING: Object to form.

2 A Specifically?

3 Q Yeah. Do you recall her telling you
4 anything other than what you've already told us?

5 A She mentioned more things about Ms. Smith's
6 home, that they rarely had clothes to wear, that she
7 dressed W. as a girl and sometimes J. as a boy.

8 She talked about how they were given feces
9 and urine to eat and drink.

10 Q Anything else you recall?

11 A That she was forced to wear some kind of --
12 J. was forced to wear some kind of fake penis and W. a
13 vagina.

14 Q Anything else you recall?

15 A Ms. Smith putting her finger in their nose,
16 into their anus. J. talked about how Ms. Smith
17 allowed the other children in foster care to touch
18 them as well.

19 J. talked about -- now, this is over -- over
20 the years. This isn't the first conversation, right?
21 So there's -- and she talked about how Ms. Smith had
22 one man anyways having sex with her, bending her over.

23 Q Ms. Smith?

24 A Ms. Smith's friend.

25 Q Having sex with Ms. Smith?

1 A Ms. Smith's male friend bending J. over --

2 Q J. over. Okay.

3 A -- and having sex with her. She mentioned a
4 man spraying orange juice all over her face. I think
5 that's what she described it as, as orange juice.

6 She talked about having to sneak out of a
7 room to try and get some food for her and W. I know
8 there's more, but that's all I can remember at this
9 point.

10 Q Okay. These conversations, how many did you
11 have, and would they be with J. and W. and just you,
12 or would it be the four of you, you and Mr. D. and the
13 two children --

14 MR. O'QUINN: Go ahead.

15 MS. SCHMERLING: I don't want to interrupt
16 you.

17 MR. O'QUINN: Are you going to make an
18 objection?

19 MS. SCHMERLING: I was.

20 MR. O'QUINN: Okay. I was just going to
21 give you the opportunity to make the objection.

22 MS. SCHMERLING: Okay.

23 BY MR. O'QUINN:

24 Q Tell me about those, how the conversations
25 were.

1 A I don't know how many we had. I do know
2 that when the children were in therapy, the therapist
3 said that we should -- if the children needed to talk
4 about Ms. Smith, because that's who they kept talking
5 about and their experience in Ms. Smith's home, that
6 we would limited that to sort of once a week and maybe
7 no more than 15 minutes, if they needed to talk about
8 it.

9 And those conversations were sometimes with
10 me on my own, with J. or with J. and W., and with the
11 four of us, A., J. and myself in our home.

12 Q And what therapist told you to do that?

13 A Sarah Bradley.

14 Q Okay. I'm going to show you what we'll
15 mark as Exhibit 1. And it's a report from Dr. Karen
16 Jones -- Karen Palmer about W., and it's dated March
17 8th of 2010. And I've highlighted part of the last
18 paragraph on page 1.

19 And what I've highlighted says, "When the
20 children were initially adopted, there was no
21 indication that they had been abused. However,
22 shortly after they became established at school,
23 stories began to emerge regarding extensive physical
24 and sexual abuse."

25 And I'd like to ask you about their stories.

1 Do you know what stories those were and who was
2 telling them and to whom?

3 MS. SCHMERLING: Object to the form.

4 A Discussions, I would call them.

5 Q Okay.

6 A And those were discussions that I just
7 described to you.

8 Q Okay. Okay. Yeah. I didn't know whether
9 those stories were coming at school from the way it
10 was worded. "Shortly after they became established at
11 school, stories began to emerge."

12 Okay. Thank you.

13 MS. SCHMERLING: Were you marking that as
14 Exhibit 1?

15 MR. O'QUINN: Yeah. I think I said marked
16 as Exhibit 1.

17 MS. SCHMERLING: Let's keep these separate.

18 (Defendant's Exhibit 1 was marked for
19 identification.)

20 MR. O'QUINN: I see you've got some
21 materials in front of you. Would you mind if I
22 took a look at that and see what you have?

23 THE WITNESS: Sure.

24 BY MR. O'QUINN:

25 Q Did you do anything to prepare for your

1 deposition today?

2 A I reviewed these -- the discharge summaries
3 from the therapist and some reports from the
4 psychiatrist.

5 Q Okay.

6 A As well as talked to my attorneys a few
7 times.

8 MR. O'QUINN: Okay. Why don't we mark as
9 Composite Exhibit 2 everything that Ms. T.
10 brought with her today.

11 (Defendant's Exhibit 2 was marked for
12 identification.)

13 MR. O'QUINN: We're not going to keep that.
14 We will make a copy of it. At the end of the
15 deposition -- that's yours. We'll just make a
16 copy of it.

17 THE WITNESS: Sure.

18 MR. O'QUINN: Give me a 3.

19 (Defendant's Exhibit 3 was marked for
20 identification.)

21 BY MR. O'QUINN:

22 Q I'm going to mark as Exhibit 3 a November
23 10, 2009 email, and it also includes a November 9,
24 2009 email that I don't think was sent.

25 But at any rate, attached to it is --

1 appears to be a memorandum. And I'm going to -- the
2 memorandum is signed from you and Mr. D.

3 Do you have a recollection of this email,
4 sending this memorandum?

5 A I do.

6 Q Okay. Can you tell us -- explain to us the
7 circumstances around this email and memorandum being
8 sent.

9 A Well, the kids had disclosed some serious
10 abuse that had taken place and I wanted to report it.
11 We wanted to report it to the agency we adopted the
12 children from.

13 Q Okay. And it was addressed to Rickie,
14 R-I-C-K-I [sic], Shaw. Who is that person?

15 A He worked at FSS -- or works at FSS.

16 Q Okay. And it was also addressed to Crystal
17 Goncalves, G-O-N-C-A-L, V as in Victor, E-S.

18 Who is that?

19 A She worked at FSS also.

20 Q Okay. And to -- it looks like all it has is
21 the email address, Hanna Samie, H-A-N-N-A, S-A, M as
22 in Mary, I-E. Any idea who that was?

23 A The guardian ad litem.

24 Q And K.C., initials K, period, C, period,
25 Tusher, T-U-S-H-E-R. Who is she?

1 A The adoption attorney.

2 Q For who?

3 A For the -- she worked pro bono, I guess, for
4 FSS and facilitated the adoption.

5 Q And turning to the memo, did you type this
6 or did Mr. Andrew -- I mean, Mr. D. type this?

7 A I don't know who typed it. We wrote it
8 together.

9 Q Okay. All right. It begins and says that,
10 "We're very excited to have received the kids new
11 birth certificates bearing their new names. We will
12 now make application for J. and W. to become permanent
13 residents in Canada."

14 What is their citizenship residency status?
15 Are they now permanent residents of Canada?

16 A No, not yet.

17 Q Okay. Well, how is that process going?

18 A Well, it's still in the process.

19 Q Okay. Even though you've adopted them?

20 A Correct.

21 Q Okay. So if they're not permanent
22 residents, I assume they're not Canadian citizens?

23 A Correct.

24 Q The memo continues on the fourth line, "As
25 expected, their first few months in Canada have had

1 their ups and downs. No surprise given that this is
2 the seventh home that the children have been in during
3 their short lives."

4 At that point, what were the ups and downs
5 that you were referring to?

6 A We were referring to the ups and downs that
7 our adoption education program told us we could
8 expect.

9 Q And what are those?

10 A Testing the new parents, and we're new
11 parents. So just -- I don't know. Not wanting to go
12 to bed. Wanting to watch TV all the time. I think we
13 had some tantrums from W. I'm trying to recall. I
14 know there's more. I'm trying to recall everything.

15 Yeah. I think as far as we were concerned,
16 the first few months with the ups and downs that we
17 heard about in the adoption education is pretty much
18 what we were seeing. That's what we thought, anyways.

19 Q Okay. And in next sentence, "We love the
20 kids dearly and they seem to have bonded with us very
21 well over the summer months, however, we now realize
22 that they have both experienced far more trauma and
23 have far more serious emotional problems than we were
24 made aware (or even knew about)."

25 You talk about in that sentence they seemed

1 to have bonded with you very well over the summer.

2 What was the basis for that assessment?

3 A What we learned in adoption education. What
4 bonding looks like, you know, that the children wanted
5 to be with us. And, you know, they were calling us
6 Mommy and Daddy.

7 They looked forward to every visit with
8 family members, aunts and uncles and grandparents, and
9 just wanting to be with us. Seemed really genuine.

10 Q Did they have any cousins? You know, do
11 your siblings have any kids that they were able to
12 play with?

13 A They're older. But, yes, they do have
14 cousins.

15 Q Okay. It continues and it says down on
16 the -- about the eighth line, "Since the start of
17 school." Do you see that sentence?

18 A Yes, I see the sentence.

19 Q "Since the start of school in September,
20 both kids have experience difficulty adjusting to both
21 new teachers and the other children in their classes."

22 Is what you talked about earlier with J. and
23 W. in school what you were referring to in that
24 sentence?

25 A That's some of -- some of what I was

1 referring to.

2 Q Okay. What else were you referring to in
3 that sentence?

4 A I'm still trying to think of the other
5 behaviors that we encountered, but I did list some of
6 them.

7 Q Okay. And those were at school?

8 A Some of those were at school. Yes.

9 MS. SCHMERLING: Not to interrupt you. The
10 videographer just motioned that we have five
11 minutes left.

12 MR. O'QUINN: Okay.

13 Q The next sentence --

14 MR. O'QUINN: Well, why don't we do this.
15 Why don't we go ahead and change the tape before
16 we . . .

17 THE VIDEOGRAPHER: Going off the record.
18 The time is 11:22 a.m. This is the end of
19 Videotape Number 2.

20 (A break was taken.)

21 THE VIDEOGRAPHER: Back on the record. The
22 time is 11:34 a.m. This is the beginning of
23 Videotape Number 3.

24 BY MR. O'QUINN:

25 Q Going back to the memo where we left off, on

1 the first paragraph, if you go up five lines from the
2 bottom, the sentence begins, "Through length (almost
3 daily) discussions with both kids, we have determined
4 that the primary cause of these difficulties would
5 seem to be past trauma and abuse that they both
6 experienced in foster care."

7 Did I read that correctly?

8 A Yes.

9 Q And then the next sentence, "The most
10 alarming and serious revelations regarding their past
11 experiences are related to the time that both kids
12 spent in the care of 'Ms. Smith,' who we believe was
13 the kids first foster mother."

14 Did I read that correctly?

15 A Yes.

16 Q Let's go back and talk about these lengthy,
17 almost daily discussions with both kids, and keeping
18 in mind that this memo was emailed on November 10,
19 2009.

20 Tell me about the lengthy, almost daily
21 discussions. Were they with both children at the same
22 time? Were they ever separately with J. or with just
23 W.? Were they with you or with Mr. D.? Were all four
24 of you always together? Tell me what your
25 recollection is of those.

1 MS. SCHMERLING: Object to form.

2 A It's the same as before. So a mixture. I
3 don't recall exactly.

4 Q Okay. And why were you having lengthy,
5 almost daily, discussions with the children?

6 A Because the children wanted to talk about
7 it.

8 Q And how do you -- how do you know that?

9 A They would state, Ms. Smith did something.
10 That's how J. would start the conversation.

11 Q And then what would your reaction be?

12 A Listening.

13 Q I mean, did you follow-up and say, well,
14 what did she do?

15 MS. SCHMERLING: Object to form.

16 A J. just kept talking. Ever since the
17 initial disclosure, she just kept talking and we kept
18 listening and being a sympathetic ear, letting her
19 know that -- them, that we were there for them.

20 Q Were these discussions at any particular
21 time? Would they be during the evening when you were
22 home from work and when Mr. D. was home from work, or
23 if it was still during the nine-month parental period
24 when he was home?

25 MS. SCHMERLING: Object to form.

1 A Discussions were spontaneous brought up by
2 J. So I don't know. It could have been anytime.

3 Q Would they take place in places other than
4 the home?

5 A Could have.

6 Q Do you have any recollection of any taking
7 place anyplace other than the home?

8 A I don't recall.

9 Q Okay. Do you know what period of time --
10 there are several Ms. Smiths. J.'s name is Smith.
11 You know, her biological mother's last name is Smith.
12 And there's an Annette Smith, who was the first foster
13 mother, and then there's a Cathy Smith.

14 Were you aware of all those Smiths?

15 MS. SCHMERLING: Object to the form.

16 A Not -- not at the time.

17 Q Okay. You've subsequently become aware of
18 that?

19 A Yes.

20 Q Okay. Now, do you know the period of time,
21 the length of time that they were in the Annette Smith
22 home?

23 MS. SCHMERLING: Object to form.

24 A I would have to read through some notes
25 here.

1 Q Okay.

2 A Would you like me to do that?

3 Q I think it was about a year and seven
4 months.

5 A Okay.

6 Q Yeah. And do you know the ages? What I had
7 is that when Annette Smith became the foster mother,
8 W. was seven months.

9 MS. SCHMERLING: Object to form.

10 A Okay.

11 Q And when he left the Annette Smith home, he
12 was a year and a month or a year and two months.

13 Does that square with your understanding or
14 have you ever thought of it in that context?

15 MS. SCHMERLING: Object to the form.

16 A I'd have to look at documentation.

17 Q Okay.

18 MS. SCHMERLING: Give me a second to object
19 before you answer, okay?

20 Q Do you have a feel, though, as to the age
21 that -- as to W.'s age when he was in the Annette
22 Smith home?

23 MS. SCHMERLING: Object to the form.

24 Q Or have you ever really thought about that?

25 MS. SCHMERLING: Same objection.

1 Q You can go ahead and answer.

2 A I'd have to look at documentation.

3 Q Okay. But my question is -- you know, I'll
4 ask this.

5 Have you ever thought about the ages W. was
6 and J. was when they were in the Annette Smith home?

7 MS. SCHMERLING: Object to form.

8 A Have I ever thought about?

9 Q Yes, ma'am.

10 A Well, when they were discussing the abuse
11 that they received, I didn't think anything about --
12 these poor children and just getting them some help
13 and how horrific the situation was.

14 Q Did you think when you were hearing these
15 things that J. was saying, that, well, you know, W.
16 was only seven months to just over two years when he
17 was there.

18 Did that thought process come to you at all?

19 MS. SCHMERLING: Object to form; predicate.

20 A Well, it's the same answer as before. I
21 thought the situation was horrific and I needed to
22 report it.

23 Q Okay. And by the same token, I think that
24 J. was about two years, four months, when she was
25 placed in Annette Smith's home, and when she left the

1 Smith home, she was almost four. So two years, four
2 months, to almost four.

3 Did you give any thought to her age during
4 the time she was in the Smith home?

5 MS. SCHMERLING: Object to form.

6 A I thought the situation was horrific and I
7 just needed to report it.

8 Q Okay. And in the next paragraph, let's take
9 a peek at that first sentence.

10 "Both J. and W. report being routinely hit
11 and/or 'whooped'" -- W-H-O-O-P-E-D -- "with various
12 wooden boards until their skin bled."

13 Did I read that correctly?

14 A Yes.

15 Q I thought you previously told us that J.
16 would do the talking and W. would agree. Do you
17 recall -- it indicates in here both J. and W. report.

18 Do you recall W. actually talking about
19 being whooped with various wooden board?

20 MS. SCHMERLING: Object to form.

21 Q Or was it just J. and W. agreeing?

22 A I don't recall. Could have been both. I
23 don't know.

24 Q Okay. Next sentence, "In addition, they
25 have reported that they were slapped, punched and

1 kicked both by Ms. Smith and the other kids in her
2 care." Did I read that correctly?

3 A Yes.

4 Q Did you then or have you ever come to know
5 the ages of the other foster children at the Smith
6 home -- Annette Smith home? That didn't come out too
7 well.

8 MS. SCHMERLING: Object to form.

9 A I don't recall knowing their ages.

10 Q Okay. The next sentence, "Apparently she
11 would encourage the other kids to be as cruel as she
12 was, resulting in them being 'swarmed' by kids and
13 repeatedly punched and kicked."

14 Did I read that correctly?

15 A Yes.

16 Q You've got in quotes the word "swarmed."
17 What do you -- obviously the kids had
18 used -- or J. had used the word "swarmed." Is that
19 correct?

20 MS. SCHMERLING: Object to form.

21 A I don't know.

22 Q I mean, you've got it in quotes. So --
23 well, let me ask you this. By putting the word in
24 quotes, were you indicating that J. or W. had used
25 that word?

1 A I believe we wanted to explain that the kids
2 were surrounded by other kids.

3 MR. O'QUINN: Okay. Let's mark as Exhibit 4
4 a discharge report for J. from Vancouver Island
5 Health Authority. It's -- I'll give that the
6 you.

7 (Defendant's Exhibit 4 was marked for
8 identification.)

9 BY MR. O'QUINN:

10 Q And down at the bottom, the third line or
11 fourth line from the bottom, it may look like the
12 third line, but on the right-hand margin, the sentence
13 that begins with the word "The."

14 "The level of care." Do you see that?

15 A Yes.

16 Q And it reads, "The level of care in various
17 foster placements in Florida has been questioned, and
18 J. has revealed many incidents of being left alone or
19 locked outside or 'swarmed' by teenage foster
20 siblings." Did I read that correctly?

21 A Yes.

22 Q That word "swarmed" again and the reference
23 to teenage foster siblings.

24 Are you aware of any of the foster homes in
25 which J. and W. were placed having a teenage foster

1 sibling?

2 MS. SCHMERLING: Object to form.

3 Q Go ahead and answer.

4 A J. described one child at Ms. -- Ms. Home
5 [sic] as being older, like a teenager.

6 Q Okay.

7 A Mind you, she was 6. So older --

8 Q Yeah.

9 A -- could be anything, but it sounded -- she
10 said teenager.

11 Q Okay. Were you aware or did you come to
12 know at any time that in the Poston home, P-O-S-T-O-N,
13 there was a teenage foster sibling who had a
14 girlfriend?

15 MS. SCHMERLING: Object to form.

16 A In the documentation received from
17 Choices -- and, of course, they received it from
18 FSS -- it said the children were moved from the Poston
19 home because a teenager was permitted to spank J. So
20 we were aware of that documentation.

21 Q Okay. Was that before or after the children
22 came to Canada that you had that documentation?

23 A Before.

24 Q Okay.

25 A It was in the documentation that J. had been

1 spanked and they were immediately removed from the
2 home.

3 Q Okay. And in the next sentence, picking up,
4 it's the -- going back to the memo. I'm sorry.

5 Going back to the memo, the one, two, three,
6 four, five -- fifth line from the first line of the
7 paragraph, the sentence begins,

8 "Furthermore, Ms. Smith would terrorize them
9 by locking them in a dark room, sneak up on them and
10 scare them, not feed them the standard three meals a
11 day, and make them walk around the house scantily clad
12 or naked, while calling them 'mud people,' ugly and
13 nasty children."

14 Did I read that correctly?

15 A Yes.

16 Q The reference to mud people, do you know
17 what that related to?

18 MS. SCHMERLING: Object to the form.

19 A J. described it as something Ms. Smith
20 called them relating to their dark color.

21 Q Okay. And in the next sentence,

22 "The kids also talked about Ms. Smith taking
23 them grocery shopping, but leaving them alone outside
24 in the parking lot because they were 'too ugly and
25 dark' to take inside the store with her."

1 Did I read that correctly?

2 A Yes.

3 Q And would -- what was in quotes, "too ugly
4 and dark," also indicate the color of their skin?

5 MS. SCHMERLING: Object to form.

6 A Do they both relate to? Sorry.

7 Q You know, the dark?

8 A And relating to which one, sir?

9 Q Would that, like you indicated, the "mud
10 people" relate to the color of their skin?

11 MS. SCHMERLING: Object to form.

12 A I -- this is what was described to us by the
13 children.

14 Q Do you recall J. putting the word "mud
15 people" and "dark" in context to the color of her
16 skin?

17 A She made some comments about being called
18 mud people and referencing the color of her skin.

19 Q Okay. If we go to the next page, the second
20 full paragraph begins, "W.'s inappropriate behavior,
21 however, would seem to be escalating."

22 What made you say that?

23 A Well, I have to sort of read past that first
24 sentence to get some context around that.

25 Q Okay. And that's the sweater incident?

1 A That's what we talk about in the next
2 sentence.

3 Q Yes, ma'am.

4 A That would be the escalation.

5 Q Okay. At the time you wrote that email, did
6 you know whether Annette Smith was white or black?

7 A I don't recall whether we knew or not. I'm
8 not sure. I would have to read more documentation,
9 and I don't recall.

10 Q Okay. Are you now aware, though, that she
11 is black?

12 A Yes.

13 Q Okay. Do you have a recollection or idea as
14 to when you first came to have that knowledge?

15 A I believe it was 2010.

16 Q Okay. Are you aware that other foster
17 children in her home were also black?

18 MS. SCHMERLING: Object to form.

19 A No.

20 Q Okay. Let me show you what we'll mark as
21 Exhibit 5.

22 (Defendant's Exhibit 5 was marked for
23 identification.)

24 Q I'm going to -- it's a string email that I
25 believe starts on the bottom on January 16, from you

1 to Rickie Shaw and Crystal Goncalves again, K.C.
2 Tusher again, and someone new, Michelle Weisheit,
3 W-E-I-S-H-E-I-T. Do you know who she is?

4 A Yes.

5 Q Who is that?

6 A She works at FSS.

7 Q And I think your January 16 email attached
8 another memorandum that's dated January 15 that's
9 attached. Can you see that?

10 A Yes.

11 Q Okay. And is that what your January 16
12 email was doing, sending that memorandum?

13 A Do I recall sending this --

14 Q Yes, ma'am.

15 A -- January 15, 2010 email?

16 Q Yes, ma'am.

17 A Yes.

18 Q Okay. Did you type this or did Mr. D. type
19 it?

20 A I don't remember, but we would have written
21 it together, I'm sure.

22 Q Okay. I'm going to ask you some questions
23 about it, but I just want to -- and I'll go through it
24 and we'll read what I want to ask about.

25 But if you would like to read the whole

1 thing through to put anything in context or to refresh
2 your recollection, you're certainly welcome to do
3 that.

4 A Okay. I will probably need to do that
5 during questions you ask.

6 Q Okay. We can do that.

7 It begins, "After learning more information
8 regarding W. and J.'s trauma relating to living at
9 Ms. Smith's house, first foster home, we thought it
10 was important to let you know the full details of the
11 conversation as what was described is both shocking
12 and horrific." Did I read that correctly?

13 A Yes.

14 Q It begins, "After learning more
15 information." Can you tell us what more information
16 was learned?

17 A Well, I noticed that there's a number of
18 bullets on this page after that paragraph. So without
19 reading it, I suspect that the "more information" is
20 contained within these bullets.

21 Q Okay. Do you know how that "more
22 information" was obtained?

23 A The same as the previous discussions we had
24 with the children. They would have started talking
25 and we would have listened to what they had to say.

1 Q Okay. The first numbered paragraph begins,
2 "Both W. and J. explained that Ms. Smith never let
3 them use the toilet." Did I read that correctly?

4 A Yes.

5 MR. O'QUINN: Let me mark as the next
6 Exhibit 6, I guess.

7 (Defendant's Exhibit 6 was marked for
8 identification.)

9 THE WITNESS: Thank you.

10 BY MR. O'QUINN:

11 Q And it's page 6 of the Jasper Mountain
12 Individual Services Assessment, and it's dated October
13 20, 2013, and the author is Sarah Stauffer,
14 S-T-A-U-F-F-E-R. And it says -- I've highlighted it.

15 "When initially placed in the D-T home, J.
16 interpreted for W., as his speech was not
17 recognizable. It has become clearer that as a
18 translator, J. changed words and meanings to control
19 W.'s relationship with the parents."

20 Did I read that correctly?

21 A Yes.

22 Q It says, "It has become clearer that as a
23 translator, J. changed words and meanings."

24 When did you first become aware that, as a
25 translator, J. was changing words and meanings?

1 MS. SCHMERLING: I'm going to object to the
2 form of that question.

3 She didn't write this report. So to the
4 extent that J. did tell you that or you did
5 observe that, you can answer that. But with
6 respect to this report, these are not her words.

7 BY MR. O'QUINN:

8 Q You can go ahead and answer.

9 A When we first brought W. home, he used baby
10 talk. But at some point early on, he started speaking
11 more plain and using his words.

12 Q Okay. So when he was still not
13 communicating --

14 A Oh, he communicated.

15 Q Okay.

16 A But it was baby words.

17 Q Okay.

18 A And sounds.

19 Q And so was it during that period of time
20 that J. was acting as a translator?

21 A At times, if he used baby sounds, then she
22 would tell us what he wanted.

23 Q Okay.

24 A If he was thirsty and things like that.

25 Q Okay. You said earlier that J. would -- was

1 describing things and W. would just agree.

2 A I don't have the time period. I don't know
3 the time period in which she helped describe things
4 for W.

5 Q Okay. Before J. went to Jasper Mountain,
6 did you ever have a feeling that J. had been changing
7 words and meanings of what she was interpreting for
8 W.?

9 A W. was quite articulate by the time J. went
10 to Jasper Mountain.

11 Q I'm talking about at any time before J. went
12 to Jasper Mountain, did you ever get the feeling that
13 J. was changing words and meanings and translating or
14 interpreting for W.?

15 MS. SCHMERLING: Object to form.

16 A I can't really -- I'm trying to think about
17 time or an example of something like that.

18 Probably an example of that would be W.
19 having gender confusion from his time at Ms. Smith's.
20 And there was a time when he was explaining to us and
21 we didn't understand what his genitalia was.

22 And J. had described to us that he was
23 basically looking for more underwear. That wasn't the
24 case. And so I think that's -- that's the only
25 example I can think of.

1 Q Okay. This reference in Ms. Stauffer's
2 report, have you ever seen it before? Have you read
3 this report and seen this before today?

4 A I know that we've received Jasper Mountain
5 reports. So, yeah, I probably read it.

6 Q Did you have any conversation with
7 Ms. Stauffer or -- regarding J. changing W.'s words
8 and meanings when translating -- interpreting for him?

9 A I may have given her the example that I gave
10 you.

11 Q Okay. Do you ever recall having a
12 discussion with Ms. Stauffer or anyone at Jasper
13 Mountain about J. changing meanings and
14 interpretation?

15 A Don't recall, but I could have.

16 Q Okay.

17 MS. SCHMERLING: For the record, this is one
18 page of a 15-page report. Are you going to mark
19 the whole report?

20 MR. O'QUINN: Yeah.

21 MS. SCHMERLING: Okay.

22 MR. O'QUINN: I'm marking it later. I just
23 had that for quick reference here.

24 MS. SCHMERLING: Do you want to -- you're
25 going to mark this page separate and then mark

1 the report as a new exhibit?

2 MR. O'QUINN: Yeah.

3 BY MR. O'QUINN:

4 Q The next numbered paragraph begins, "The
5 children were not given any water and they had to
6 sneak water out of her pool in the yard."

7 Did I read that correctly?

8 A I'm sorry. Which --

9 Q I'm sorry. I'm back on your January 15,
10 2010 memo. I'm sorry.

11 A That's okay. Okay. I'm sorry. What
12 number?

13 Q Number 2. "The children were not given any
14 water and they had to sneak water out of her pool in
15 the yard. However, if they got caught doing this,
16 they would get hit. The other children in the home
17 were told that W. and J. were not allowed any water.
18 They were also punished for drinking water out of the
19 pool by being locked out of the home. Ms. Smith would
20 not [sic] let them back into the house only after it
21 was dark."

22 Did I read that correctly?

23 A Yes.

24 Q Do you know whether the Annette Smith -- had
25 or did not have a pool?

1 MS. SCHMERLING: Object to form.

2 A I have no idea. This is what the children
3 told me and A.

4 Q Okay. The third numbered paragraph, "J. and
5 W. talked again about being hungry, as they did not
6 have meals every day and begging Ms. Smith for food.
7 She would tell them, 'No, there's no food for you
8 ugly, rotten kids.'"

9 Did I read that correctly?

10 A Yes.

11 Q Do you know what the reference to ugly was,
12 whether it was their dark skin?

13 MS. SCHMERLING: Object to the form.

14 A This is what the children told me.

15 Q Okay. The fourth paragraph, "The children
16 had no blankets and slept on the floor with only
17 sheets. Even when they complained to Ms. Smith about
18 being cold, at the time she would not give them any
19 blankets." Did I read that correctly?

20 A Yes.

21 Q So does this indicate that J. and W. were
22 telling you that they didn't have a bed, they slept on
23 the floor?

24 A This is what they said. That's what we told
25 FSS.

1 Q Okay. These things that you were being
2 told, did you believe all of them?

3 MS. SCHMERLING: Object to the form.

4 A I believed the kids were telling us that
5 they were abused, and so I reported it.

6 Q I mean, so far, what we've -- what we've
7 read in paragraphs 1, 2, 3 and 4, you've indicated
8 that that's what the kids told you.

9 My question is, did you believe all of those
10 things?

11 A I believe that they were abused.

12 Q Okay. But that's not really my question.

13 My question is, do you believe all the
14 things in paragraphs 1, 2, 3 and 4 are true?

15 MS. SCHMERLING: Object to form.

16 A Everything that the kids told us I thought
17 was -- I was shocked and I thought it was horrific and
18 needed to be reported. I didn't look at each one as a
19 bullet. I wrote it, A. and I wrote it together, and I
20 thought was horrible. I didn't take every individual
21 instance and dissect it. I just -- we simply wrote it
22 and sent it.

23 Q Okay. Well, let me ask you this. Let's go
24 back to Exhibit -- what was the first email? November
25 10. Do we have that exhibit?

1 A Yes.

2 Q Okay. Let's go back to the first page on
3 that exhibit. And let's go down to the bottom
4 paragraph, four lines from the bottom. The sentence
5 begins, "There is no question in our minds that they
6 are telling the truth, as the fear in their eyes is
7 evident." Did I read that correctly?

8 A Yes.

9 Q So at the time you wrote this November 9
10 email, you believed that everything the children were
11 telling you was true; is that correct?

12 A I definitely believed that they were abused.

13 Q But your email says, "There is no question
14 in our minds that they are telling the truth, as the
15 fear in their eyes is" -- evidence -- "is evident."

16 So when you wrote your January 15, 2010
17 memo, did you also believe that -- or would it also be
18 true that there was no question in your minds that
19 they were telling the truth?

20 MS. SCHMERLING: Object to form.

21 A No question in my mind that they experienced
22 horrific abuse and I needed to report it.

23 Q Okay. But, again --

24 A That I needed to report, A. needed to report
25 all the details they told us.

1 Q Okay. So your January 15, 2010 memo is just
2 reporting what the children told you; is that correct?

3 A Reported what the children told us.

4 Q Okay. Number 7 says, "W. is now talking and
5 opening up about being sexually abused. Both he and
6 J. explained in very graphic details and demonstrated
7 with their clothes on the different events that took
8 place in Ms. Smith's house. These activities
9 included" -- and then there are a number of bullet
10 points on that page and on the next page.

11 When you say "explained in very graphic
12 details and demonstrated with their clothes on," is --
13 is what they demonstrated in those bullet points?

14 A Some of the things demonstrated are in the
15 bullets.

16 Q Are there things they demonstrated that are
17 not in the bullets?

18 A Possibly.

19 MS. SCHMERLING: I'll object to the form of
20 that last question.

21 Q Let's go to the next page, the second page
22 of the memo. After the bullet points, there's a
23 paragraph, "During his conversation, I noticed that
24 when W. was trying to demonstrate these sexual acts on
25 himself, he was getting overly stimulated and had

1 absolutely no impulse control."

2 Did I read that correctly?

3 MS. SCHMERLING: Do you see where he's
4 reading from?

5 THE WITNESS: Not yet. No.

6 MR. O'QUINN: Oh, I'm sorry. On the next
7 page of the memo. You've got the bullet points.

8 MS. SCHMERLING: Down here.

9 THE WITNESS: Oh, okay.

10 BY MR. O'QUINN:

11 Q And it starts out, "During this
12 conversation, I noticed that when W. was trying to
13 demonstrate these sexual acts on himself, he was
14 getting overly simulated and had absolutely no impulse
15 control." Did I read that correctly?

16 A Yes.

17 Q "This conversation" referred to -- what
18 conversation is that?

19 A The conversation about where they give some
20 more detail about the abuse they suffered at
21 Ms. Smith's.

22 Q So is what's listed here in this memo from
23 one discussion, one conversation?

24 MS. SCHMERLING: Object to the form.

25 A I don't recall.

1 Q Okay. The last paragraph of your memorandum
2 says, "I told the children that I would send another
3 email to Florida repeating everything they told us
4 about how they were treated at Ms. Smith's."

5 Did I read that direct correctly?

6 A Yes.

7 Q That indicates that you had previously told
8 the children that you had sent an email to Florida; is
9 that correct?

10 MS. SCHMERLING: Object to form.

11 A We told the children that we reported what
12 they had said about Ms. Smith.

13 Q Previously?

14 A It would have to be previous to this.

15 Q Right. Okay. What are the circumstances
16 around you previously telling them that you had
17 reported what they told you?

18 A Because J. had asked if Ms. Smith was in
19 jail, and I said, I don't know, and we reported it,
20 and a Hot Line file was created by the Jacksonville
21 police, I guess.

22 Q And did you tell J. that? Is that what
23 you're saying?

24 A Yes. We told J. that we -- that the file
25 was opened. Yeah.

1 Q Are you aware of any other reports where --
2 of W. being sexually abused in any other foster homes?

3 A Not aware of any reports. Is that -- sorry.
4 Could you repeat the question?

5 Q Are you aware of any other assertions of W.
6 being sexually abused in any other foster homes?

7 MS. SCHMERLING: Object to the form.

8 Q By whom? Assertions by?

9 A By W. or J.

10 Q W. stated -- there's something in the
11 Pacific Centre Discharge Report, and it describes W.
12 telling the therapist about being sexually abused or
13 touched by a teenager in the Poston home.

14 THE VIDEOGRAPHER: We have about five
15 minutes of tape left.

16 MR. O'QUINN: Why don't we go ahead and
17 change the tape.

18 THE VIDEOGRAPHER: Going off the record at
19 12:27 p.m. This is the end of Videotape
20 Number 3.

21 (A break was taken.)

22 THE VIDEOGRAPHER: All right. Back on the
23 record. The time is 12:30 p.m. This is the
24 beginning of Videotape Number 4.

25 BY MR. O'QUINN:

1 Q You had mentioned the Sarah Butler's [sic]
2 reference being to abuse, social abuse in the Poston
3 home. Let me show you what we'll mark as Exhibit 7.

4 MS. SCHMERLING: Do you mean Sarah Bradley?

5 MR. O'QUINN: Yeah. What did I say?

6 MS. SCHMERLING: Butler.

7 MR. O'QUINN: Pardon?

8 MS. SCHMERLING: You said Sarah Butler.

9 MR. O'QUINN: Oh, no. Sarah Bradley.
10 (Defendant's Exhibit 7 was marked for
11 identification.)

12 BY MR. O'QUINN:

13 Q And I think probably what you're referring
14 to is Ms. Bradley's note of April 4, 2012 session with
15 you and W. And it's on the second page there, and
16 I've indicated it and I'll read it.

17 It says, "New Disclosure." Paragraph.

18 "W. brought his dolls, Ziggy" --

19 Z-I-G-G-Y -- "(age 4) and Xavier" -- X-A, V as in
20 Victory, I-E-R -- "(age zero, a baby). Writer, W. and
21 mom talked about how Ziggy helped W. remember what had
22 happened at Ms. Dana's" -- D-A-N-A's -- "by showing
23 him [i.e., pants being pulled down]" -- dot, dot, dot.

24 "W. confirmed that an older boy at
25 Ms. Dana's had pulled his pants down and squeezed his

1 penis." Did I read that correctly?

2 A Yes.

3 Q Now, on April -- in April of 2012, I think
4 W. was seven years and four months. Why were you and
5 Ms. Bradley helping W. remember things?

6 MS. SCHMERLING: Object to form.

7 A I don't -- I'm not sure where it says that.

8 Q Well, it says, "Writer, W. and mom talked
9 about how Ziggy helped W. remember what had happened
10 at Ms. Dana's."

11 A Ziggy is a doll.

12 Q But it's indicating that you and W. and
13 Ms. Bradley talked about how Ziggy helped W. remember
14 what had happened.

15 Why were you talking about Ziggy helping W.
16 remember what had happened?

17 MS. SCHMERLING: Object to form.

18 A I'm not reading that. I see that it says,
19 "Ziggy helping W."

20 Q Do you recall this session?

21 A Yes.

22 Q What do you recall about it?

23 A Well, what it says here, W. talking about
24 what happened and how Ziggy, which is a doll that sort
25 of -- W. is, I think, tells his feelings to sometimes.

1 Q But do you have a specific recollection of
2 this session?

3 A Not specific, but when I read the notes,
4 I -- I recall that discussion.

5 Q Okay. And at the time of this session, do
6 you know who Ms. Dana was?

7 A The children never called her Ms. Poston.
8 It was always Ms. Dana. So I knew. Yeah.

9 Q Okay. Did you know the period of time that
10 the children had been in the Poston home?

11 A It's in our documentation.

12 Q Okay.

13 A That we received.

14 Q Okay. There's another entry on the next
15 page. It's for a week later. And I've marked it.
16 It's the section entitled, "Abuse at Ms. Dana's."

17 "J. recently made comments to S. about
18 Ms. Dana's home which confirmed statements made by
19 W. -- W. told the social worker about the 'disgusting'
20 things the boy and his girlfriend would do; J.
21 confirmed that Ms. Dana always" -- locked -- "that
22 Ms. Dana always looked after them, but in the
23 mornings, W. would get up early and he would be with
24 the boy."

25 Did I read that correctly?

1 A Yes.

2 Q Do you recall J. making comments to you
3 about Ms. Dana's home which confirm those statements
4 by W.? Do you recall that conversation with J.?

5 A I recall J. stating that W. got up early in
6 the morning and would be with the boy.

7 Q Okay. But you're not indicating there that
8 J. confirmed what Bill had said about the boy pulling
9 W.'s pants down and squeezing his penis?

10 MS. SCHMERLING: Object to form.

11 A I recall J. stating that W. would get up
12 early and be alone with the boy.

13 Q Okay. But --

14 A That's what I recall.

15 Q Okay. Okay. You don't recall J. confirming
16 statements that Bill made about the boy squeezing his
17 penis?

18 MS. SCHMERLING: Object to form; asked and
19 answered.

20 Q You can go ahead and answer.

21 A J. wasn't at the therapy session. What I
22 recall is J. stating that W. would get up early and
23 would be with the boy.

24 Q Okay. Did you ever ask her whether she had
25 any knowledge of whether the teenager would squeeze

1 W.'s penis?

2 A I don't believe I ever asked her.

3 MS. SCHMERLING: For the record, again, this
4 is only two pages of a -- the first page of page
5 6 and 7 of a report.

6 Are you going to be marking the whole
7 report?

8 MR. O'QUINN: Yes.

9 BY MR. O'QUINN:

10 Q We've marked as Exhibit 8 a January 22, 2010
11 email. The email indicates it's from S.T. to
12 K.C. Tusher, Crystal Goncalves, Lyn King. Who is
13 Lyn King?

14 (Defendant's Exhibit 8 was marked for
15 identification.)

16 A Guardian ad litem.

17 Q And Kara Williams. She's at FSS. To the --
18 although the email says it's from you, it's actually
19 signed, "Best regards, A.D."

20 Do you recall both you and Mr. D. composing
21 or writing that email?

22 A Well, we were certainly together.

23 Q Okay. And that email, as I said, was
24 January 22, 2010. And there's a response to that and
25 we'll about that after we talk about the original

1 email.

2 Tell me what you recall about this email,
3 why it was sent and its purpose.

4 MS. SCHMERLING: Object to form.

5 This is a chain. Are you referring to one
6 in particular?

7 MR. O'QUINN: Yeah.

8 BY MR. O'QUINN:

9 Q I'm referring to the beginning -- the first
10 chain, the first link, is the January 22, 2010,
11 11:09 p.m. -- is the one on the first page.

12 A Okay. So you're referring to?

13 Q It starts out, "Thanks, K.C."

14 MS. SCHMERLING: If you need to read the
15 whole chain --

16 MR. O'QUINN: Yeah.

17 MS. SCHMERLING: -- feel free to because it
18 looks like it goes in reverse order. So this
19 email looks like it was a response to some other
20 emails.

21 THE WITNESS: Okay. You're asking questions
22 about the entire chain; is that correct?

23 MR. O'QUINN: Yes, ma'am.

24 THE WITNESS: Okay. I will need to read it
25 all.

1 MR. O'QUINN: Yeah. Please go ahead.

2 (Pause)

3 THE WITNESS: Okay. I think I can -- we can
4 go forward. I'll probably still need to refer to
5 this.

6 MR. O'QUINN: Absolutely.

7 THE WITNESS: If you have some questions.

8 BY MR. O'QUINN:

9 Q In this chain that we got -- these three
10 pages, they say 3 of 4, during the break, I'll find
11 out if I have the fourth page.

12 What's the purpose of the January 22, 2010,
13 11:09 p.m. email from you or Mr. D. to K.C.?

14 A I -- we were -- or Angie was responding to
15 K.C.'s email, by the looks of it.

16 Q Okay. And would that be the January 22,
17 2010, 5:33 p.m. from K.C.?

18 A Yes. That is the previous email to what she
19 responded.

20 Q Okay. And it talks about previous emails
21 that she had sent to Michelle and you. And so I want
22 to -- do you know what those emails were? How many
23 emails you exchanged with Ms. Tusher?

24 MS. SCHMERLING: Object to form.

25 A I have no idea.

1 Q Okay. Were there many or few?

2 A I don't know.

3 Q Okay. Would you still have all of those?

4 A I -- I don't know. I did have a computer
5 problem and my computer blew up, and I don't know if I
6 have all of the email correspondence. But certainly
7 the content is here with respect to any correspondence
8 we had. I can see that from the email correspondence.

9 Q Okay. In the last paragraph of the January
10 22, 11 p.m. email, the fourth line from the bottom has
11 a paragraph that begins, "With respect to Crystal."

12 Do you see that, fourth line from the
13 bottom?

14 A Second page?

15 Q No, the first page.

16 A Yes.

17 Q "With respect to Crystal, she herself told
18 us she didn't really like the [sic] kids."

19 Did I read that correctly?

20 MS. SCHMERLING: Object to form.

21 A No.

22 Q I didn't?

23 A You didn't read it correctly.

24 Q Okay. "With respect to Crystal, she herself
25 told us she didn't really like kids." Did I read that

1 correctly?

2 A Yes.

3 Q When did Crystal tell you that?

4 A I don't know exact date.

5 MS. SCHMERLING: Object to form.

6 Q Do you know what context she told you that
7 in?

8 A It was a statement in general.

9 Q I mean, did she just volunteer, "You know, I
10 don't like kids"?

11 A Yeah. Pretty much.

12 Q Okay. What was Crystal's role? What did
13 she do?

14 MS. SCHMERLING: Object to form.

15 A She worked for FSS and she was one of our
16 contacts. I don't know exactly what she did at FSS.

17 Q What were you having -- why were you having
18 contact with her?

19 A That's who FSS, I guess, appointed to be the
20 liaison with respect to business with the children,
21 adoption, et cetera.

22 Q Okay. So was she the point person or were
23 there more than one -- was there more than one point
24 person?

25 MS. SCHMERLING: Object to form.

1 A I have no idea. We emailed several people
2 on here.

3 Q Okay. Going to that -- next page of that,
4 the third paragraph, the last sentence reads, "We will
5 need counseling ourselves before too long."

6 Did I read that correctly?

7 A I'm sorry. Again, third paragraph?

8 Q I'm sorry. Yes, ma'am. The third full
9 paragraph.

10 A The second page?

11 Q Yes, ma'am.

12 MS. SCHMERLING: The last sentence.

13 A "We will need counseling ourselves before
14 too long." Yes.

15 Q Yes, ma'am. Have you and Mr. D. or you or
16 Mr. D. ever received any counseling?

17 MS. SCHMERLING: Object to form.

18 A The children's therapist has provided us
19 with support by way of providing strategies to help us
20 with the children.

21 Q Okay. But other than that, neither you nor
22 Mr. D. has received any counseling or therapy?

23 A Okay. So counseling, therapy. What
24 specifically?

25 Q Okay. I'll ask them separately then.

1 Have you ever received any counseling as
2 referred to in the last sentence, which is, "We will
3 need counseling ourselves before too long"?

4 MS. SCHMERLING: Object to form.

5 A So we're speaking about the kids' behaviors,
6 et cetera, in this paragraph, and how we would need
7 some counseling. So certainly A. has had some
8 counseling, and I have received support through the
9 therapist.

10 Q From the therapist?

11 A Yes. Support. I don't know if I would call
12 it counseling, but support.

13 Q Okay.

14 A We're both supported by the therapist.

15 Q Okay. From whom has Mr. D. received
16 counseling?

17 MS. SCHMERLING: Object to form.

18 A I don't know.

19 Q Okay. Go down to the bottom of page 3. The
20 email that begins, "All, I'm not sure if this email is
21 a result of the phone call I had with Crystal today,
22 but we have found that from speaking with Brenda (last
23 foster home placement) that she expressed concerns
24 about certain behaviors J. and W. exhibited to FSS
25 that we were not informed of."

1 Did I read that correctly?

2 A Yes.

3 Q Okay. And that's Brenda Mikus?

4 MS. SCHMERLING: Object to form.

5 Q The Brenda being referred to, is that Brenda
6 Mikus?

7 MS. SCHMERLING: Same objection.

8 A The last foster care home was with Brenda
9 Mikus.

10 Q Mikus. Okay. And you actually spoke with
11 her?

12 MS. SCHMERLING: Object to form.

13 A We met Brenda and we've talked -- we had
14 talked to Brenda.

15 Q Well, I know you told us that you think in
16 your second visit to Jacksonville that you went to her
17 home; is that correct?

18 A Correct.

19 Q Okay. After that, did you ever speak with
20 her by phone?

21 A Yes.

22 Q Okay. How many times?

23 A I don't know. The children would like to
24 call her to say hello.

25 Q Okay.

1 A They called her Nona.

2 Q I'm sorry?

3 A They called her Nona.

4 Q Yes, ma'am.

5 A Saying, will you phone her?

6 Q Okay. Did you speak with the Postons? Did
7 you ever speak with them?

8 A I met Dana once for about five minutes.

9 Q And was that --

10 A Before the children left with us to go back
11 to Victoria.

12 Q Was that at the first visit to Jacksonville
13 or the second?

14 A The second.

15 Q Okay.

16 A I think it was the second.

17 Q And where did you speak with her?

18 A At a park. It was an ice cream social and
19 she was at the social event.

20 Q Okay. How about Cathy Smith? Did you ever
21 speak with her?

22 A No.

23 Q How about either Mr. Tyler or Ms. Tyler up
24 in Virginia?

25 MS. SCHMERLING: Object to form.

1 Q Did they speak with either -- Taylor. I'm
2 sorry. Did you ever speak to Mr. or Ms. Taylor in
3 Virginia?

4 A No.

5 Q It says that, "We have found that from
6 speaking with Brenda, that she expressed concerns
7 about certain behaviors J. and W. exhibited to FSS
8 that" -- were not -- "that we were not informed of."

9 When did you have that conversation or those
10 conversations with Brenda?

11 A I'm not sure when we had those
12 conversations.

13 Q Well, they were before January 22, 2010, the
14 date of the email. Do you recall in the -- would that
15 conversation or those conversations have been after
16 the problems begun to be experienced by the children?

17 MS. SCHMERLING: Object to form.

18 A I don't know when exactly, but you're
19 correct. It would have been prior to our sending the
20 email on January 22, 2010.

21 Q What precipitated this conversation with
22 Brenda?

23 MS. SCHMERLING: Object to form.

24 A I'm not sure.

25 Q Did you have any recollection of the

1 conversation?

2 A No. But she probably called our house
3 asking to speak to the kids, and maybe she asked us
4 first before she spoke to the kids how they were
5 doing. It might have gone that way.

6 Q Okay. But you don't have a recollection?

7 A No.

8 Q Did you have her number that you could call
9 her?

10 A Yes.

11 Q Okay. Could it have gone another way, such
12 as you calling her to ask questions about these
13 behaviors that you received from the children?

14 MS. SCHMERLING: Object to form.

15 A I don't recall the conversation.

16 Q Okay. I may have asked you this and I
17 apologize if I have. Do you recall your contact at
18 Choice Adoption Agency?

19 A No.

20 Q Generally, after you and the children went
21 to Victoria, what types of communications were you
22 having with FSS? And I understand we've -- there's
23 some of the emails. You know, the ones that we've
24 read and that we have.

25 What other communications were you having

1 and the reason for those?

2 MS. SCHMERLING: Object to form.

3 A Well, I think we -- we may have or may not
4 have talked about the -- the meetings in which
5 Choices -- meetings A. and I had, I guess, with
6 psychologists that Choices had arranged to come to the
7 house. They would check on the kids and so on and
8 sent reports to FSS.

9 And I think we would have some follow-up
10 discussions with FSS about the reports. So that would
11 be prior to the adoption.

12 Q Okay.

13 A So that's one type of communication. And I
14 think these are the other type of communications we
15 had.

16 Q Okay. And those were -- those couple visits
17 every 25 days for the first three months when Choice
18 sent out the psychologist to the house you told you
19 about?

20 A Yes.

21 Q Okay. And in the -- you know, the topics
22 here with you reporting what the children told you and
23 the discussions about increasing the supplement, were
24 those the topics of any communications you had with
25 FSS?

1 MS. SCHMERLING: Object to form.

2 A From what I recall.

3 Q Okay. I was just curious. In the adoption
4 process, after the actual adoption, is there any, you
5 know, continuing communication from the adopting
6 agency, I guess in this instance, FSS, just generally,
7 not -- not related to this case, but in adoption
8 cases?

9 Were you expecting any follow-up with FSS
10 after the adoption was formalized?

11 MS. SCHMERLING: Object to form.

12 A I trying to understand the question.

13 THE REPORTER: I'm sorry?

14 A I don't understand the question.

15 Q Okay. Before you left with the children to
16 Victoria, what was your understanding of what
17 follow-up you would be having with FSS?

18 A I -- we were aware of the process we needed
19 to follow with respect to meeting the commitment of,
20 you know, the home study and making sure the children
21 had a doctor checkup, those kind of things.

22 So they were not -- I don't recall thinking
23 of FSS doing any follow-up. I just recall having some
24 steps that we had to follow through on and report back
25 to Choices. I'm not sure if we had any direct

1 communication with them. I think it was Choices.

2 Q Okay. At that point, did you anticipate
3 that after the adoption became finalized, you would
4 not be having any need to have any follow-up
5 communications with either Choices or FSS?

6 MS. SCHMERLING: Object to form.

7 A I don't think I even thought about it.

8 Q Okay. Now, after you took the children to
9 Victoria, did FSS provide you with any documentation?

10 MS. SCHMERLING: Object to form.

11 A Can you repeat the question, please?

12 Q Yes, ma'am. After you took the children to
13 Victoria in April of 2009, did FSS provide you with
14 any documentation?

15 MS. SCHMERLING: Object to form.

16 A I'm trying to remember. I -- I recall
17 getting some pictures, but that's all I recall.

18 Q Pictures?

19 A Pictures of the children.

20 Q After you took them to Victoria?

21 A Oh, sorry. No. That would have been prior
22 to going to Victoria. We were leaving in April.

23 Q Okay.

24 A And I don't recall getting additional
25 documentation.

1 Q Okay.

2 MS. SCHMERLING: Let us know when you want
3 to take a lunch break. It's a little after one
4 now.

5 MR. O'QUINN: Do you want to take a break?

6 MS. SCHMERLING: As long as the witness
7 wants to keep going, I mean, she can keep going.
8 I'll defer to you. Whenever you want to take a
9 break.

10 THE WITNESS: Well, I would like to take a
11 break by 1:30, I guess.

12 MR. O'QUINN: Okay.

13 MS. SCHMERLING: Can we take a quick
14 ten-minute break?

15 MR. O'QUINN: Sure.

16 THE VIDEOGRAPHER: We're off the record.
17 The time is 1:09 p.m.

18 (A lunch break was taken.)

19 THE VIDEOGRAPHER: Back on the record at
20 2:21 p.m. This is the beginning of Videotape
21 Number 5.

22 BY MR. O'QUINN:

23 Q The records from Happy Valley -- I know I
24 saw -- I mentioned earlier I saw a reference to
25 Julie Hoffman being a counselor at the school.

1 Do you know whether both W. and J. saw
2 Ms. Hoffman?

3 A I don't know.

4 Q Okay. Do you know whether the allegations
5 of abuse were shared with people at the school?

6 MS. SCHMERLING: Object to form.

7 A I don't recall.

8 Q Okay. Yeah. I can see, you know, the
9 discipline problems being addressed by school folks.

10 A Yes.

11 Q And do you know one way or the other whether
12 the allegations of abuse were also discussed with the
13 school personnel?

14 MS. SCHMERLING: Object to form.

15 A Did the kids discuss? I don't know.

16 Q Or you. Did you have any discussions with
17 them or Mr. D.?

18 A I'm not sure.

19 (Defendant's Exhibit 9 was marked for
20 identification.)

21 MS. SCHMERLING: This looks like it's
22 another page from this assessment that you
23 already marked as 6. It might be best just to
24 mark the whole document, that way we're not
25 flipping back and forth.

1 MR. O'QUINN: Well, I will. But as far as
2 ease, I've got this that we'll direct to.

3 MS. SCHMERLING: Just for the record, this
4 is page 8 of 15 of an Individual Services
5 Assessment that's been marked as Exhibit 9.

6 BY MR. O'QUINN:

7 Q We've marked as Exhibit 9 page 8 of an
8 Individual Services Assessment at Jasper Mountain
9 that's got a report date of October 20, 2013. And the
10 therapist is Sarah Staffer, S-T-A-U-F-E-R.

11 And if we go down to Section C, Individual's
12 Mental Health, there's a paragraph that begins,

13 "J. and W. were put into the foster care
14 home of Ms. Annette Smith in February 2006. Although
15 school records about -- although official records
16 about treatment in this home are not available to this
17 writer, interviews with S.T. (based on information
18 from J. and W. and previous case workers and adoption
19 agency workers) have revealed the following:

20 "In Ms. Smith's home, J. and W. were
21 targeted for being African-American. They were denied
22 food and water and fed feces and urine. When
23 Ms. Smith did provide food, it was often tainted with
24 inedible substances or garbage. Water was withheld
25 and the children were not permitted to use the toilet

1 nor wear clothing.

2 "J. took care of W. and often snuck water
3 from the family pool and fed crumbs from the floor or
4 kitchen cabinets. Ms. Smith encouraged her older
5 children to beat and tease J. and W., particularly
6 targeting them for their race (pulling out their hair,
7 calling them 'niggers, gravy kids, tar baby').

8 "In addition, Ms. Smith told the children
9 that black skin was ugly and worthless and the lighter
10 their skin, the better she would treat them. J. and
11 W. were put in garbage cans for punishment and forced
12 to engage in marriage ceremonies with one another.
13 They were also forced to dress opposite sex (J. with
14 dildo, W. in a dress). They were also reportedly used
15 for sex by other siblings or adults in the
16 neighborhood. J. and W. were in this environment for
17 about two years before the home was closed due to
18 allegations made by another child in the home."

19 Did I read that correctly?

20 MS. SCHMERLING: Object to the form.

21 Q Let's go back up to the sentence --

22 THE REPORTER: Was there an answer?

23 Q Did I read that correctly?

24 MS. SCHMERLING: Same objection.

25 A There might have been a couple of words that

1 you forgot.

2 Q Okay. Let's go back to the sentence that
3 starts, "Although official records about treatment in
4 this home are not available to this writer, interviews
5 with S.T. based on information from J. and W. in
6 previous case workers and adoption agency workers --"

7 I'd like to focus on that. Is this
8 indicating that you had information from previous case
9 workers and adoption agency workers that provided some
10 of the information that is represented in this record?

11 MS. SCHMERLING: Object to form. And this
12 is a report that Ms. T. did not write herself.

13 Q You can go ahead and answer.

14 A We received some documentation prior to
15 adoption regarding foster homes, but it was general
16 information.

17 Q Okay.

18 A So the kids' ages and . . .

19 Q Okay. It says that, "In the Smith home, J.
20 and W. were targeted for being African-American."

21 What's the source of that assertion?

22 MS. SCHMERLING: Object to form.

23 A Well, if you read further down, I believe
24 it's says something about that was referenced from the
25 kids, I guess, having -- not having light skin.

1 Q I mean, is that what the children were
2 telling you?

3 MS. SCHMERLING: Object to form.

4 A I can't really comment on how it's written,
5 but the few words that I'm picking out about being
6 African-American and the light skin and your
7 information -- the information provided earlier that
8 the other children in the home were African-American,
9 I'm gathering it's some reference to being a
10 darker-skinned African-American. It's hard to
11 interpret.

12 Q Well, it says "Interviews with S.T. have
13 revealed that J. and W. were targeted for being
14 African-American."

15 I mean, is that something that you relayed
16 to Ms. Stauffer?

17 A Well, I --

18 MS. SCHMERLING: Object to form.

19 A -- I didn't state -- this is in sum and
20 summary that she's made after a conversation.

21 Q Yeah. And -- and that's what I'm asking.
22 What was the conversation that you had with
23 Ms. Stauffer about this from which she's writing this
24 report?

25 MS. SCHMERLING: Object to form.

1 A I -- I can't remember the exact
2 conversation.

3 Q Okay. Well, did the children or either of
4 them tell you that they were called nigger, gravy kids
5 and tar baby?

6 A Yes.

7 Q Okay.

8 MS. SCHMERLING: Object to form of that.

9 Q Did they tell you, one of them or both of
10 them, that the other kids would pull out their hair?

11 A They had described incidences where
12 Ms. Smith had pulled their hair.

13 Q Okay. Did either or both of them tell you
14 that Ms. Smith had told them that black skin was, you
15 know, ugly and worthless and the lighter their skin,
16 the better she would treat them?

17 MS. SCHMERLING: Object to form.

18 A I'm not going to remember what child or both
19 of them or this exact conversation. Could you repeat
20 the question?

21 Q Yes, ma'am. It says in here that,
22 "Ms. Smith told the children that black skin was ugly
23 and worthless and the lighter their skin, the better
24 she would treat them."

25 Is that something that was represented to

1 you by either or both of the children?

2 A Yeah --

3 MS. SCHMERLING: Object to form.

4 A -- yes. Something to that effect.

5 Q Okay. Did you ever ask the children about
6 the Cathy Smith home?

7 MS. SCHMERLING: Object to form.

8 A No. If there was any discussion, it would
9 be brought up by one or both of the kids.

10 Q Okay. Did you ever ask them about the
11 Poston home?

12 MS. SCHMERLING: Object to form.

13 A No.

14 Q Okay. Was there ever any discussion brought
15 up by them about the Poston home, other than that
16 previous reference in April 2012 with Sarah Bradley?

17 A That was brought up by W.

18 Q Yes, ma'am.

19 A There could have been. I would have to
20 think about that. I can't recall.

21 Q Okay. And how about any discussion -- did
22 you ever ask the kids about Virginia, the Taylors'
23 home?

24 A Didn't ask them about the Taylors' home.

25 Q Did the kids ever talk to you about the

1 Taylor home?

2 A Yes.

3 Q Okay. And what did they say? I say they.
4 What did J. say about it? If you could start there.
5 What's your recollection of what J. said about the
6 Taylor home in Virginia?

7 A She said there was a young daughter there
8 and that the two didn't really get along, and
9 Ms. Taylor would sometimes hit J. on the hand and
10 W. -- I'm trying to remember some more about J.'s
11 experiences and what she disclosed to me and A.

12 I remember J. telling me she was talked to
13 about taking items out of the young daughter's room.
14 That's all I can remember right now.

15 Q Okay. How about W.? Did he make any
16 comments about the Taylor home in Virginia?

17 A He mentioned that Mr. Taylor had spanked him
18 from -- for wetting his pants. I'm trying to remember
19 if there's any other disclosure. And mainly I
20 remember him saying that Mr. Taylor spanked him.

21 Q Is that once or more than once?

22 MS. SCHMERLING: Object to form.

23 A I don't recall.

24 Q Okay. Spanked him with his hand, a belt?

25 MS. SCHMERLING: Object to form.

1 Q Did he indicate what?

2 A I don't recall.

3 Q When did the children or one of them first
4 say that Ms. Smith called them nigger or gravy or tar
5 baby?

6 MS. SCHMERLING: Object to form.

7 Q Because in your November 10, 2009 emails,
8 there's just reference to dark skin and mud and the
9 same is true in your January 15, 2010 memo.

10 So when did it -- when did the kids move
11 from mud skin to being called -- reporting being
12 called nigger or tar baby or gravy?

13 MS. SCHMERLING: Object to form.

14 A I don't recall.

15 Q Let's shift gears and talk about W. Okay?

16 A Okay.

17 Q It's my understanding just from your
18 comments this morning that he came to Jacksonville he
19 with you-all --

20 MS. SCHMERLING: Object to form.

21 Q -- today or whatever you-all came?

22 A Would you repeat the question?

23 Q Is W. here in Jacksonville with you today?

24 A No.

25 Q Okay. Where is W.?

1 MS. SCHMERLING: Object to form.

2 A Where is W. today?

3 Q Yes, ma'am.

4 A He's in Victoria.

5 Q And where is he? Is he in school? Is he
6 with somebody?

7 MS. SCHMERLING: Object to the form.

8 A Well, this minute?

9 Q Well, today.

10 A Just in general --

11 Q Generally, today.

12 A -- he is with the nanny for the most part
13 today.

14 Q And who is the present nanny?

15 A The present nanny is Kimberly Grant.

16 Q And how old is Ms. Grant?

17 A I believe she's 24.

18 Q How long has she been W.'s nanny?

19 A Three months. Thereabouts.

20 Q Who was it most recently before Ms. Grant?

21 A Alexander.

22 Q And what is Alexander's last name?

23 A Plamodon.

24 Q Can you spell that for me?

25 A P-L-A-M-O-D-O-N.

1 Q And how long was she the nanny?

2 A Three -- approximately three years.

3 Q And how about before that?

4 A Before that we had Danielle -- Danielle
5 working for us.

6 Q Danielle?

7 A Uh-huh.

8 Q And her last name?

9 A I can't recall.

10 Q How long was she the nanny?

11 A Less than a year, I would think.

12 Q And did you -- you say she was the first one
13 or was --

14 A The one before that. You asked who is the
15 nanny before the last one?

16 Q Was there a nanny before Danielle?

17 A Yes.

18 Q And who was that?

19 A That would be Cara, I believe.

20 Q How do you spell Cara?

21 A C-A-R-A.

22 Q And her last name?

23 A Sartorio.

24 Q And can you spell that?

25 A S-A-R-T-O-R-I-O.

1 Q And how long was she the nanny?

2 A I think around two years.

3 Q And was there one before that?

4 A I believe it was Nofar. Nofar.

5 Q And how do you spell that?

6 A N-O-F-A-R.

7 Q And man or woman?

8 A Woman.

9 Q And her last name?

10 A I can't recall.

11 Q And about how long was Nofar the nanny?

12 A I'm not sure.

13 Q Was there one before that?

14 A I think that was it.

15 Q What's W.'s typical day like right now?

16 MS. SCHMERLING: Object to form.

17 A In terms of?

18 Q Does he go to school? If so, what kind of
19 school? If so, for how long during the day? Does he
20 get any occupational therapy, music therapy? Does he
21 play any sports?

22 MS. SCHMERLING: Object to form.

23 Q Tell me about W.'s life right now.

24 A I'll start with school. He attends Regent
25 Christian Online Academy. So for the most part, he's

1 home-schooled, and the nanny assists him with that.
2 And A. supports him as well with his schooling,
3 education.

4 Q Does he attend any actual classes at Regent
5 Christian Academy?

6 A Sometimes he goes to their community
7 classes. They have community classes once a week.

8 Q Okay. How often does he do that, on a
9 weekly basis?

10 A Depends on his behavior and how he's coping.

11 Q How's he doing academically?

12 A Great.

13 Q Okay. And sixth grade?

14 A Correct.

15 Q Is he playing football?

16 A He is.

17 Q Okay. And how often does he do that, on a
18 weekly basis?

19 A Depends on the season. He plays spring
20 football, and this year he played fall football as
21 well. So right now he isn't playing any football.

22 Q Okay. How about soccer? Is he playing
23 soccer now?

24 A Not this year.

25 Q Okay.

1 A Or not -- well, it's only January 2016.

2 Q Okay.

3 A We haven't signed him up for the soccer this
4 year.

5 Q How about dance? Does he do any dance?

6 A He does dance three times a week.

7 Q Okay.

8 A A few different classes.

9 Q And where does he take the dance?

10 A Westshore Dance Studio.

11 Q And what kind of dance is he doing or what
12 kinds of dances?

13 A Ballet, tap, hip-hop, musical theater, jazz
14 and modern.

15 Q Does he have the same instructor for all of
16 those dances or does he have different instructors?

17 A He has -- I believe he has three different
18 instructors.

19 Q Okay. And who are they?

20 A I know the first names.

21 Q Okay.

22 A Julie, Janine.

23 Q Jean?

24 A Janine.

25 Q Janine.

1 A And Ella.

2 Q And how long has he been at Westshore Dance
3 Studios?

4 A Six years, I believe.

5 Q How about any music? Does he do anything
6 musically?

7 A He plays piano.

8 Q And does he take lessons or has he taken
9 lessons in the past?

10 A He's taking lessons.

11 Q From whom?

12 A Westshore Music Academy.

13 Q And how long has he been taking piano
14 lessons?

15 A Approximately one year.

16 Q And who's his instructor?

17 A Currently, it's Beth.

18 Q Any other music either at the present time
19 or in the past that he's done?

20 A Formally taught or just --

21 Q Just picking up in general.

22 A -- music at home.

23 Q Either. Either formally taught, or does he
24 enjoy doing anything musically at home on his own?

25 A Yeah. He loves music. He has a practice

1 keyboard he used to play with and it makes a sound.

2 Q Now, are Westshore Dance Studio and
3 Westshore Music Academy in any way related?

4 A No.

5 Q Does W. presently do anything else
6 recreationally except for maybe the dance and maybe
7 the soccer and the football and the piano?

8 A Plays cricket.

9 Q Okay.

10 A But, again, that's not on right now. That's
11 more of a summer thing.

12 Q Okay. And how -- you say it's summer?

13 A Late spring, summer is cricket.

14 Q Okay. And how many seasons has he played
15 cricket?

16 A I think two.

17 Q Is he presently seeing a therapist of any
18 kind?

19 A Yes.

20 Q And who is that?

21 A Kevin Kehlier.

22 Q Kevin. How do you spell Kevin's last name?

23 A K-E-H-L-I-E-R.

24 Q And where is Mr. Kehlier?

25 A Victoria.

1 Q Is he in private practice? Does he have a
2 clinic? Is see affiliated with any group?

3 MS. SCHMERLING: Object to form.

4 A I know it's a private practice and that's
5 really all I know.

6 Q Do you know his address?

7 A Not off the top of my head. No.

8 Q Do you know what street he's on?

9 A No.

10 Q How long has W. been seeing Mr. Kehlier?

11 A A few months anyways.

12 Q And how did you come to have Mr. Kehlier see
13 W.?

14 A He was recommended to us.

15 Q Is he one of the three that Sarah Bradley
16 recommended?

17 A No.

18 Q Okay. Who recommended that W. see
19 Mr. Kehlier?

20 A Sandra Wieland.

21 Q Sandra Leland?

22 A Wieland. Her name is listed in the Pacific
23 Centre Report.

24 Q Okay. And how is Mr. Kehlier paid for his
25 services?

1 MS. SCHMERLING: Object to form.

2 Q Is that funded by any governmental entity?
3 Is it private pay? Is it funded by your insurance?

4 MS. SCHMERLING: Object to form.

5 A It is not funded. A. and I pay directly.

6 Q Okay. Did W. see a therapist before he
7 started seeing Mr. Kehler?

8 A Sandra Bradley. Or I'm sorry. Sarah
9 Bradley with Pacific Centre.

10 Q I've got a report in April of 2014 from
11 Sarah Bradley at Pacific Centre that indicates it's a
12 Discharge Report. Did Ms. Bradley see W. after April
13 of 2014?

14 (Defendant's Exhibit 10 was marked for
15 identification.)

16 A I -- I'd have to read this. But it says the
17 date of discharge is 28th of April, 2014.

18 Q Yes, ma'am.

19 A So he would not have seen her after that.

20 Q Okay. So did W. not see a therapist after
21 he last saw Ms. Bradley until he first saw
22 Mr. Kehler?

23 A Yes, because Pacific Centre was publicly
24 funded. So A. and I did not pay for that service.
25 And once W. was discharged, we did not have the funds

1 to pay for a therapist until we hired Kevin.

2 Q At the present time, is W. getting any
3 occupational therapy anyplace?

4 A No, he's not getting any formal occupational
5 therapy.

6 Q Is he on any medications?

7 A He is.

8 Q What medications is he on presently?

9 A I would have to look at Dr. Bouffard's
10 report in here.

11 Q Oh, sure, sure.

12 A I don't see the name of it here and I don't
13 want to guess the name. I have an idea what it's
14 called, but I -- I'm not seeing it.

15 Q Maybe we can get there anyway. Does he take
16 more than one medication at the present time?

17 A No. He takes one dose in the morning and
18 one dose before bed.

19 Q And how long has he been taking that?

20 A I'll see if it's in here.

21 She's not popping out at me. Sorry.

22 Q Okay. Has he been taking it for a year?

23 A Probably -- yes.

24 Q And do you recall who prescribed it?

25 A Here we go. It's right on the first page.

1 Do you have a copy of this report from
2 Dr. Bouffard?

3 MS. SCHMERLING: This is marked as part of
4 Exhibit 2 to your deposition.

5 MR. O'QUINN: Yeah, okay.

6 THE WITNESS: Under "Current Medications."
7 BY MR. O'QUINN:

8 Q Okay.

9 A I'll take a look at it just to confirm
10 that's the one.

11 Q Yeah. This one is -- appears to be one --
12 he's on two it looks like. Prevacid, P-R-E-V-A-C-I-D.

13 A That was for his tummy problems. That
14 wasn't from Dr. Bouffard.

15 Q Okay. That's 30 milligrams a day. And then
16 Clonidine, C-L-O, N as in Nancy, I, D as in dog,
17 I-N-E, 0.1 twice a day.

18 A That's from Dr. Bouffard.

19 Q And do you know what the Prevacid is for?

20 A Acid reflux.

21 Q Okay. And the Clonidine?

22 A It helps him calm down. At least that's
23 what we're using it for. I don't know what exactly
24 it's designed for.

25 Q And who prescribed that?

1 A Dr. Bouffard.

2 Q Both of them?

3 A No. Dr. Bouffard prescribed the Clonidine.

4 Q Right.

5 A And the Prevacid would have been prescribed
6 by a GP or another doctor.

7 Q Okay. Who's W.'s present GP or
8 pediatrician?

9 A Dr. Jones is his GP.

10 Q Okay. And does he have a separate
11 pediatrician right now?

12 A He does. I'm trying to think of his name.
13 I can't think of it at this moment.

14 Q How about Kent?

15 A Yes.

16 Q Okay. When is the last time he saw
17 Dr. Jones?

18 A I don't remember.

19 Q Okay. Does he see him regularly for
20 periodic visits or just when he has a problem?

21 A Just as needed. Wellness checks. He
22 doesn't have to have a problem.

23 Q Okay. And how about Dr. Kent? When is the
24 last time he's seen Dr. Kent?

25 A I'm not sure.

1 Q Okay. Does W. still talk about the past
2 foster homes?

3 A At times, yes.

4 Q When's the last time he talked about the
5 past foster home?

6 A Probably last week.

7 Q And what was that conversation?

8 A I don't remember the exact conversation, but
9 it was around a nightmare.

10 Q And what was the nightmare? Did he share
11 that with you?

12 A That he thought that he was in Ms. Smith's
13 home when -- because he -- he had woken up and thought
14 his walls were dark and -- and didn't look like his --
15 the current room he's in and thought he was back at
16 Ms. Smith's.

17 Q Before last week, when was the last time he
18 had brought up a foster care home?

19 MS. SCHMERLING: Object to form.

20 A I'm not sure. He does go to therapy once a
21 week so . . .

22 Q Okay. Does he mention once a week, every
23 couple weeks, once a month? Can you give me a feel
24 for in the last six months how many times he's
25 referenced it?

1 MS. SCHMERLING: Object to form.

2 A I can't really give you a feel for it, but I
3 will say that he sees a therapist once a week and --
4 to help him with his behaviors and his feelings and
5 his thoughts.

6 Q Okay. Are you with him in those sessions?

7 A I'm with him for about 15 minutes, and then
8 he's with the therapist on his own.

9 Q Okay. And how much longer is the session
10 after you leave, after 15 minutes?

11 A An hour, approximately an hour.

12 Q You mentioned to help him with his
13 behaviors, he sees a therapist. Tell us about his
14 present behaviors. How are they?

15 A They fluctuate between being calm and being
16 aggressive. He has a variety of different behaviors.

17 Q You said he has a variety of behaviors and
18 you've mentioned calm and aggressive. Does he have
19 any other varieties beside calm and aggressive?

20 A Sure. I'm trying to think of some examples.
21 It would be a very long list. He is -- sometimes he's
22 hitting the dog or hitting the cat. Tantruming for
23 eight hours. Pouring milk on the floor. Waving his
24 arms in the air. Hitting people. Kicking me. Trying
25 to trip me with my sore leg.

1 Q Which variety does he exhibit the most?

2 MS. SCHMERLING: Object to form.

3 A I can't say.

4 Q Is he aggressive more than any others or is
5 he calm more than any others?

6 MS. SCHMERLING: Object to form.

7 A I can't really say. Another behavior is his
8 close proximity to people.

9 Q What do you mean by that?

10 A Well, just too touchy, too hands on. Not
11 really sure what he's going to do.

12 Q Has his touchiness decreased over time?

13 A I would say it's decreased, but it's still
14 inappropriate.

15 Q Where does it take place? And by that, I'm
16 trying to get a feel whether it takes place at home or
17 at extended family or whether it takes place when
18 you're at the grocery store shopping or out at a park.

19 MS. SCHMERLING: Object to form.

20 A It could take place anywhere. I couldn't
21 really say one specific time. If he gets too
22 over-stimulated. Or we don't know when he might do
23 that.

24 Q Well, will the touchiness occur in a setting
25 where you're speaking with people and it's close

1 proximity? Or going back to the grocery store, will
2 he just go up to somebody and do some improper
3 touching?

4 A I could not put a place on where he's doing
5 that.

6 Q Has it ever happened at a store where he's
7 just gone up to a complete stranger and --

8 A Over the years now we're talking?

9 Q Yes, ma'am.

10 A From -- yes.

11 Q Okay. Has that happened in the last six
12 months?

13 A To a stranger, no.

14 Q Okay. Understanding that he's got a family
15 setting, you and Mr. D., but is the touchiness beyond
16 the family and beyond the nanny?

17 MS. SCHMERLING: Object to the form.

18 A His current therapist has mentioned him
19 touching him inappropriately.

20 Q Okay. Anything else in the last six months
21 that you can think of other than you and Mr. D. and
22 the nanny and the therapist?

23 A His coach.

24 Q Okay. All people he knows?

25 A Well, no. I mean, he doesn't -- he knows

1 the coach to say, yes, coach, to follow directions.

2 Q Right.

3 A But he doesn't know him other than that.

4 Q Sure. I understand.

5 A And doesn't -- you know, not all the kids on
6 the team are his friends. They're teammates.

7 Q Any inappropriate touching of his teammates
8 in the last six months?

9 A Well, I'm not sure. I've seen him be too
10 close to them, putting his hand on their leg, that
11 kind of thing. But I'm not -- I can't be aware of
12 everything.

13 Q Sure. And, of course, that's -- I can only
14 ask you what you've seen.

15 MR. O'QUINN: We've got plenty of those if
16 you need any more.

17 THE WITNESS: Okay. Thank you.

18 THE VIDEOGRAPHER: We have about five
19 minutes of tape left.

20 BY MR. O'QUINN:

21 Q What is your workday like? What time do you
22 usually leave in the morning, and what time do you get
23 home in the evening?

24 MS. SCHMERLING: Object to the form.

25 A Depends on the day.

1 Q Okay. Tell me -- tell me Monday.

2 A Well, currently I have a problem with my
3 knee so I'm at home working.

4 Q Okay.

5 A So I can provide you some information with
6 my current situation.

7 Q Okay. How long have you been working at
8 home because of your knee?

9 A About five months.

10 Q Okay. And so you're at home doing your
11 work. Do you do that remotely through your computer?

12 A I do.

13 Q And what interaction do you have with W.
14 during the day while you're trying to work these last
15 four months?

16 A It really depends. It really depends. I
17 certainly say good morning to him, obviously, and
18 sometimes I give him a meal.

19 Q Okay.

20 A And the nanny is there. The nanny may ask
21 me for assistance.

22 Q Okay.

23 A I may hear some inappropriate behavior and I
24 might intervene.

25 MR. O'QUINN: Why don't we change our tape

1 and then we'll pick back up.

2 THE VIDEOGRAPHER: Going off the record.

3 The time is 3:15 p.m. This is the end of
4 videotape Number 5.

5 (A break was taken.)

6 THE VIDEOGRAPHER: Back on the record at
7 3:36 p.m. This is the beginning of videotape
8 Number 6.

9 BY MR. O'QUINN:

10 Q I think we were talking about your work
11 schedule, and right now you're working remotely at
12 home and have for the last four months, I think you
13 said.

14 Aside from that, what's your normal work
15 hours by way of what time you would leave in the
16 morning and come home at the end of the work day?

17 MS. SCHMERLING: Object to the form.

18 A If I understand your question correctly,
19 you're asking what my regular workday would look like
20 if I wasn't working from home.

21 Q Yes, ma'am.

22 A I would normally work from home part-time.

23 Q Okay. Now, is that -- do you have certain
24 days that you work in an office or certain days that
25 you work at home, or does that fluctuate depending

1 upon circumstances?

2 A That's correct. I would in an office
3 outside my home a couple days a week, and the rest of
4 the time I work from home.

5 Q Can you pick those couple days a week to
6 work in the office or are there set days you need to
7 be --

8 A Set days.

9 Q Okay. What days are you in the office?

10 A Monday and Tuesday.

11 Q And what time do you leave in the mornings
12 to go to work on Mondays and Tuesdays?

13 A Probably 7.

14 Q Okay. And you drive to work?

15 A Yes.

16 Q Okay. And what time do you usually get home
17 on Mondays and Tuesdays?

18 A Around 5:30.

19 Q Now, is you working at home remotely three
20 days a week, is that an accommodation because of any
21 needs that W. might have?

22 A Yes.

23 Q And why is it that you stay home and work
24 from home three days a week?

25 A In part to take the kids to therapy, and

1 we're talking about when J. was here as well in
2 Victoria.

3 Q Okay. Any other reason that you would work
4 at home for three days other than taking J. when she
5 was in Victoria and W. to therapy?

6 A Supporting the children.

7 Q Well, even during the period of time after
8 April 2014 and several months ago when W. started
9 seeing Mr. Kehlier, so he wasn't going to therapy,
10 were you still at home those three days a week?

11 A To support the children. Yes.

12 Q Who's your immediate supervisor?

13 A My immediate supervisor would be Fary --
14 Fary Erickson.

15 Q How do you spell Fary?

16 A F-A-R-Y.

17 Q And if I wanted to get in touch with
18 Mr. Fary, how would I do that?

19 MS. SCHMERLING: Object to the form.

20 Q Does he have a work phone number?

21 A I think he has a work phone.

22 Q Do you know what that is?

23 A I have no idea.

24 Q And by whom are you actually employed? You
25 said the province of British Columbia?

1 A Correct.

2 Q And are you in any kind of department?

3 A Information Management branch.

4 Q And that's in Victoria?

5 A Yes.

6 Q And that's the providential capital?

7 Victoria is the capital of British Columbia?

8 A The city. Yes.

9 Q And before that we had talked about the
10 different behaviors that W. experiences at the present
11 time and that you listed some of those various ones:
12 Calm and aggressive, hitting the dog or cat.

13 How often does he have the behavior of
14 hitting the dog or the cat?

15 MS. SCHMERLING: Object to the form.

16 A I haven't counted.

17 Q Okay. In the last six months, how many
18 times are you aware that he's hit the dog or cat?

19 A I couldn't guess how many times. It happens
20 regularly.

21 Q Okay. Is that once a week, once a day?

22 A I don't know.

23 Q Okay. And when you say he hits them, how
24 does he hit them? Does he use his hand or does he
25 just an object?

1 A He uses his hand.

2 Q Does it seem like he's intending to hurt
3 them?

4 MS. SCHMERLING: Object to the form.

5 A I don't know what his intentions are, but
6 it's not friendly. Hitting isn't friendly.

7 Q Okay. And how about -- you said one of his
8 variety of behaviors is tanturing [sic] for eight
9 hours. How often would he do that? What do you mean
10 by that?

11 A Tan -- tantruming.

12 Q That's easy for you to say.

13 A Yeah. He has -- well, recently we've seen
14 tantrums probably weekly in the last month anyway.

15 Q Okay. And have those been -- eight hours is
16 a long time. Has that tantruming been for eight hours
17 that you've seen recently?

18 A Yes.

19 Q And how -- describe what you mean by
20 tantruming.

21 A Screaming, throwing things at his door,
22 walls, hitting animals, talking out loud to himself,
23 laughing.

24 Q And that will continue --

25 A I'm sure there's other behaviors, but that's

1 what comes to mind right now.

2 Q And that will last for eight hours?

3 A It can.

4 Q Okay. Is there a time period that's more
5 prevalent than others?

6 MS. SCHMERLING: Object to the form.

7 Q Four hours, two hours, one hour?

8 A I'm not sure I understand the question.

9 Q Okay. So when he has a tantrum, can you say
10 how long it usually lasts?

11 MS. SCHMERLING: Object to the form.

12 Q Can you say it will last an hour or two
13 hours or over two hours?

14 A I can't say.

15 Q Well, based on past experiences, how long
16 did they tend to last?

17 A I'm trying to answer your current question,
18 which I believe was -- you asked me some details about
19 him tantruming for eight hours.

20 Q Do you recall when the last time it was he
21 tantrumed that long?

22 A Recently. Probably weekly in the last month
23 for eight hours.

24 Q Okay. In the last month has he had any
25 tantrums less than eight hours?

1 A Possibly.

2 Q That you know about.

3 A I'm trying to remember. Possibly.

4 Q Well, in the last month you said he's had
5 tantrums that lasted eight hours every week, correct?

6 A Yeah. At least once a week that I can
7 recall.

8 Q Do you recall any tantrums in the last month
9 other than those weekly tantrums that lasted eight
10 hours?

11 A I can't remember.

12 Q Okay. Are you generally able to say whether
13 over the years the frequency of the tantrums has
14 stayed the say same, decreased, increased?

15 A Fluctuated.

16 Q Well, would you say the tantrums are right
17 now less of a problem than they were three years ago?

18 MS. SCHMERLING: Object to the form.

19 A I can't really say.

20 Q Are you able to quantify at all whether the
21 tantrums are staying the same, they've stabilized,
22 they're constant or whether they're decreasing or
23 increasing?

24 MS. SCHMERLING: Object to the form.

25 A Fluctuate.

1 Q When is the last time W. poured milk on the
2 floor?

3 A I think it would be some months ago.

4 Q And --

5 A Can't say for sure. Just what I think.

6 Q And how about hitting? You mentioned that
7 one variety of his behavior is hitting you. How
8 frequently does he hit you?

9 A It's hard to say because sometimes it's not
10 just -- doesn't just stick his arm out or his hand to
11 hit me. It might be a push or something disguised as
12 an accident. So it's really hard to quantify that to
13 say.

14 Q Do you recall one or more of those in the
15 last month? It's January 12 today, I think. It may
16 be the 11th. I can't remember. In the last month?

17 MS. SCHMERLING: Object to the form.

18 A Do I recall him hitting me in the last
19 month.

20 Q Yes, ma'am. In the last month.

21 A Yes.

22 Q Okay. How many times do you recall in the
23 last month?

24 A I can't really say because -- I can't really
25 say.

1 Q Is he hitting you less frequently now than
2 he was January of 2015?

3 A I -- I mean, the behavior, this
4 inappropriate behavior of W.'s comes out when he's
5 disregulated. So I can't really -- I can't really
6 quantify that and say whether it's less or more often.
7 He frequently is disregulated. We have to ground him
8 so that he doesn't get that behavior, but it's just
9 spontaneous.

10 Q Well, has that level remained constant in
11 the last two years? Has it increased? Has it gotten
12 better?

13 MS. SCHMERLING: Object to the form.

14 A All I can say is it's a regular occurrence.
15 I get hit. I can't say it's weekly or monthly, but
16 it's memorable in the sense that I'm physically
17 getting hurt.

18 Q If you take all of his aggressive behaviors,
19 all of his bad behaviors, how are they -- how have
20 those progressed over the last three years?

21 MS. SCHMERLING: Object to the form.

22 Q Is his behavior getting better generally or
23 staying the same or getting worse?

24 A I think he's better at recognizing when he's
25 becoming disregulated. Behavior is still -- still

1 there, but I think he's getting better at recognizing
2 when he might hurt somebody.

3 Q When he realizes and recognizes that he
4 might hurt someone, is he able to take some action to
5 control him possibly hurting someone?

6 A Sometimes.

7 Q All right. As far as time sequence goes, if
8 he stopped seeing Sarah Bradley in April of 2014 and
9 started seeing Mr. Kehler several months ago, that
10 would mean he was not seeing a therapist from, what,
11 maybe a year and a half? April 2014 to September of
12 2015. Would that be about right?

13 MS. SCHMERLING: Object to the form.

14 A I can't remember.

15 Q Okay. Was -- did you notice any difference
16 in the period of time -- did you notice any difference
17 with W.'s behavior during the period of time that he
18 was not seeing a therapist?

19 A I noticed he had the same inappropriate type
20 of behaviors that we were addressing in his therapy
21 with Pacific Centre.

22 Q But are you able to say it was the same
23 during the period of time he was not seeing a
24 therapist, or was it worse during the time he was not
25 seeing a therapist? Can you quantify that either way?

1 A I'd have to think about that.

2 Q I mean, it doesn't stand out at you, gosh,
3 he really regressed during the period of time he
4 wasn't seeing Ms. Bradley.

5 MS. SCHMERLING: Object to the form.

6 Q You're not able to say that, are you?

7 A I'd have to think about that.

8 MS. SCHMERLING: Object to the last
9 question.

10 Q You mean you can't say that today, though,
11 can you?

12 MS. SCHMERLING: Object to form; asked and
13 answered.

14 A I'd have to think about that.

15 Q Well, you would have to think about whether,
16 as you sit here today, you're able to say W.'s
17 behavior was worse during the period of time when he
18 didn't see a therapist?

19 MS. SCHMERLING: Object to the form. She's
20 already answered the question.

21 Q Is that what you're saying?

22 A I said that we dealt with the same types of
23 behavior that he had with -- when he was seeing the
24 therapist, Sarah Bradley, and after he was discharged.

25 I don't know the frequency of the behaviors

1 or whether it increased. I would have to think about
2 that piece.

3 Q Okay. During what period of time did W.
4 treat with Dr. Bouffard. B-U-F-F-A-R-D [sic].

5 MS. SCHMERLING: Object to the form.

6 Q You can go ahead and answer.

7 A Could you please repeat the question.

8 Q Yeah. During what period of time did W.
9 treat with Dr. Bouffard?

10 MS. SCHMERLING: Same objection.

11 Q Rachelle Bouffard.

12 A What period of time did he receive treatment
13 from her?

14 Q Yes, ma'am.

15 A I'd have to look at documentation.

16 Q Please do. Go ahead.

17 A I'm not sure if it's in here.

18 It doesn't show his start date. We have
19 something here from 2014, dates of consultation, 2014.
20 I don't have anything before that by the looks of it
21 to look at to reference. So I don't know.

22 Q Do you know if she saw him more than once?

23 A According to 2014, she saw him more than
24 once in that year.

25 Q Okay. Do you know when the last time he saw

1 Dr. Bouffard?

2 A This year? Well, she hadn't seen him this
3 year. We saw her in 2015. I believe the last time
4 was during the summer 2015.

5 Q Other than Mr. Kehlier, who's the last
6 health care provider of any kind that W. has seen,
7 whether it's Dr. Jones, Dr. Kent or Dr. Bouffard?
8 Anybody else other than -- other than Mr. Kehlier, who
9 is the last person he's seen for any reason?

10 MS. SCHMERLING: Object to the form.

11 A Probably Dr. Jones, but I can't say for
12 sure.

13 Q Okay. It's January of 2016. In calendar
14 year 2015, other than Dr. Bouffard whom you mentioned
15 as maybe being seen in the summer of 2015, and
16 Mr. Kehlier, can you think of any health care
17 providers that W. has seen for any reason?

18 A He -- we took him to a clinic because he
19 hurt his leg, I think, or his knee at football.

20 Q And when was that?

21 A 2015.

22 Q Is that, like, in the fall?

23 A The fall, I think.

24 Q The fall?

25 A Yes.

1 Q Do you recall the name of that clinic?

2 A No. And I'm sort of guessing it was a
3 clinic. I don't think it was Dr. Jones.

4 Q Okay.

5 A But Dr. Jones would receive a record of it.

6 Q Okay. Was that just a one-time visit?

7 A Yes.

8 MR. O'QUINN: Okay. Dr. Palmer's report, I
9 think, we've marked.

10 MS. SCHMERLING: For which child?

11 MR. O'QUINN: W. There we go.

12 BY MR. O'QUINN:

13 Q Let me give that back to you.

14 If we go to page 2 of Dr. Palmer's report
15 dated March 8, 2010, the first full paragraph begins,
16 "W. has frequent memories about events in Florida."
17 Do you see that?

18 A Yes.

19 Q And then if we go down to the third line of
20 that paragraph, right in the middle of the line it
21 begins a sentence, "According to S." Do you see that?

22 A Yes.

23 Q And it says, "According to S., W. frequently
24 acts out some of the stories they have been told about
25 Ms. Smith." Did I read that correctly?

1 A That's what it says.

2 Q Okay. Can you tell me what W. frequently
3 acted out, some of the stories?

4 MS. SCHMERLING: Object to the form again.
5 S. did not write this document.

6 If you have any recollection from your own
7 independent memory other than this report, you
8 can answer.

9 A No, I don't even understand the piece of,
10 act out story they have been told.

11 Q Okay. Let me ask you this way then.

12 Did W. ever act out any of the things he or
13 J. described as occurring in any of the foster homes?

14 A Well, I think previously you're reading off
15 one of the emails that we sent K.C. and various
16 people, and I think A. and I commentated about how W.
17 would become over-stimulated and act out some of those
18 types of behaviors they described to us.

19 I can -- probably off the top of my head, I
20 can remember a couple of them, which would be, you
21 know, going to -- as Sarah described in her report,
22 hump J.'s leg or do inappropriate touching with his
23 hands or trying to touch me and I would have to move
24 away. Those are the things I remember.

25 Q Okay. And Dr. Palmer's report continues,

1 and it says, "For example, he will often use some of
2 the same language that has been attributed to
3 Ms. Smith."

4 Do you recall W. ever using some of the same
5 language that he or J. attributed to Ms. Smith?

6 A I would have to go back to the email. Off
7 the top of my head, I don't remember. But if I went
8 and looked at the list, maybe I would remember some of
9 the things that he said.

10 Q Okay. One of those emails was the November
11 9 or November 10 one.

12 A Oh, actually, I think it says right in the
13 paragraph.

14 Q Okay.

15 A "He will talk about being a winner or a
16 super hero and describe other people as being losers."

17 And I recall the kids, during discussions
18 about Ms. Smith, would comment on how Ms. Smith would
19 say, "I'm a winner, you're a loser." That kind of
20 thing.

21 Q Okay. Can you think of any other -- can you
22 think of any other instances where W. used some of
23 that same language that has been attributed to
24 Ms. Smith other than that?

25 A There's some other examples in his

1 paragraph --

2 Q Okay.

3 A -- that I -- I might have given at the time
4 perhaps. Looks like it.

5 Q Yeah. What other examples about the
6 language that he would use?

7 A Well, it has some behaviors, not necessarily
8 the language. Did you want me to read it?

9 Q Well, if you can point to me anyplace in
10 here. I haven't seen it, but maybe I'm not --

11 A "He will often be intentionally hurtful
12 towards others. For example, he will stomp on
13 people's feet without obvious provocation."

14 That's an example of how he would hurt us.

15 Q Well, the sentence that I was asking about
16 says, "For example, he will often use some of the same
17 language."

18 And I may be missing it, but I don't see
19 anything in that paragraph that talks about the
20 language that W. would often use.

21 MS. SCHMERLING: Object to the form.

22 A I -- I pointed out the sentence that says,
23 "He will talk about being a winner or a super hero and
24 describe other people as being losers."

25 Q Okay. Other than that possibility being the

1 language, do you see any other instances in that
2 paragraph referring to language Ms. Smith used?

3 A I would have to do some reading on this.

4 Q Yeah. Go ahead and read that paragraph,
5 then.

6 MS. SCHMERLING: Object to form of the
7 question.

8 A In that paragraph, I didn't read anything
9 about imitating any other language except for the one
10 that I read to you.

11 Q Okay. And are you able to recall any right
12 here? And I know it's been almost six years since
13 March 8 of 2010.

14 A Yeah. I don't recall.

15 Q Okay.

16 MR. O'QUINN: Let me -- we'll mark as
17 Exhibit 11 the full Jasper Individual Services
18 Assessment that page -- or Exhibit 6 was part of
19 earlier.

20 MS. SCHMERLING: This is 11?

21 MR. O'QUINN: Yeah.

22 (Defendant's Exhibit 11 was marked for
23 identification.)

24 BY MR. O'QUINN:

25 Q If you'll look down on -- toward the bottom

1 of page 6, if we go up 8 lines from the bottom, the
2 sentence begins, "When initially placed."

3 Do you see that?

4 A Yes.

5 Q And we've looked at that before, but
6 let's -- let's look at it again. It reads,

7 "When initially placed in the D. and T.
8 home, J. interpreted for W., as his speech was not
9 recognizable. It has become clearer that as a
10 translator, J. changed words and meanings to control
11 W.'s relationship with the parents. J. has engaged in
12 sexual behavior with W. (trying to get him to have an
13 erection to have sex), and has sent him incorrect
14 messages about his gender and sexual preferences,
15 leaving him distressed today about his sexual
16 identity."

17 At any time before J. went to Jasper
18 Mountain, were you aware that J. had sent him
19 incorrect messages about his gender and sexual
20 preferences?

21 A We were told by W. that J. said he was --
22 well, he thought he was a female and J. didn't
23 disagree with him.

24 Q Okay. If we go down to the second to the
25 last line of that page, begins a sentence in the

1 middle of the line, "Recently W. has made more
2 progress in terms of connecting and beginning to
3 establish relationships with S. and A."

4 Did you see that?

5 A Yes.

6 Q And that was in October of 2013. Coming
7 forward, has W. continued to make progress in terms of
8 connecting and establishing relationship with you and
9 Mr. D.?

10 A Yes.

11 Q Okay.

12 A We continue to work on that in therapy.

13 Q Okay. If we go to page 3 of that same
14 report, there's a subparagraph at the bottom,
15 subparagraph D, "Anticipated Date of Service."

16 If we go into the paragraph above that, if
17 you go 7 lines from the bottom in that paragraph above
18 paragraph D, there's a sentence that begins, "Their
19 hope is that." The paragraph above section D.

20 MS. SCHMERLING: Do you see that?

21 Q Seven lines.

22 A Oh, yeah. Okay.

23 Q "Their hope is that with J. receiving
24 intensive services at Jasper Mountain, she can get the
25 help she needs and they can then focus their efforts

1 on W.'s special needs related to trauma experiences
2 and trauma bond with J."

3 Were you able to focus your efforts on doing
4 that with W.?

5 A Well --

6 Q While J. was at Jasper Mountain?

7 A We -- we continue to focus -- we have one
8 child now, so we don't have to divide our attention.
9 So we focus our energy on the one child.

10 Q Yeah. How do you do that? How do you --
11 other than him being the only one in the home, is
12 there any other way that you focus on that?

13 A I'm not sure I understand the question.

14 Q Okay. "They can then focus their efforts on
15 W.'s special needs related to early trauma experiences
16 and trauma bond."

17 Other than just having W. in the home, was
18 there anything else you did, whether it was special
19 therapy directed just to that, or any other way that
20 you were able to focus just on W.'s needs?

21 A Well, we spent more time assisting him with
22 his strategies. And we certainly have more time to do
23 family activities with W.

24 Q When you say working with him on his
25 strategies, what do you mean?

1 A Strategies to manage his behaviors, his
2 inappropriate behaviors.

3 Q What's the cost of Regent Christian Online
4 School?

5 A There is no cost other than -- there's no
6 cost to attend the school, but A. and I purchase books
7 and other materials and tutors for W. as he needs it.
8 We pay for that out of our own pocket.

9 Q I'm sorry. I didn't hear the rest of it.
10 Tutors?

11 A Like a French tutor --

12 Q Oh, okay.

13 A -- and he takes music lessons. We buy
14 books, et cetera, for his grade level.

15 Q Other than a tutor for French, what tutors
16 has he had or has?

17 A None. He hasn't had any in addition to the
18 French tutor. He has nannies.

19 Q Okay. Do the nannies have educational
20 background?

21 A They do not.

22 Q Are they college educated?

23 A Not that I'm aware of.

24 Q Okay.

25 A Certainly graduated from high school. We

1 sort of tried to pick the ones that have a good sort
2 of social background and some child care experience
3 and what we could afford at the time.

4 Q Yeah. And how much do the nannies cost you?
5 What do you have to pay them?

6 A \$15 an hour. Or 1,200 every couple weeks
7 minus taxes.

8 Q I take it that Canadian dollars?

9 A That's correct.

10 Q Since I never go to Canada, I don't know
11 what the difference is between a Canadian dollar and
12 U.S. dollar. Can you help me, or do you know?

13 MS. SCHMERLING: Object to the form.

14 A Depends on what the currency is doing.

15 Q Is the Canadian dollar worth more or less
16 than a U.S. dollar?

17 A As of this minute?

18 Q Yes, ma'am.

19 A I believe the American dollar --

20 Q Pardon?

21 A At this minute?

22 Q Yes, ma'am.

23 A I believe the American dollar is worth more
24 than the Canadian dollar.

25 Q Any idea how much more?

1 A No.

2 Q The cost of the medications, how much is
3 that?

4 MS. SCHMERLING: Object to the form.

5 A I don't know.

6 Q Is that -- is W.'s medical needs, his visits
7 to the pediatrician, his general practitioner, how is
8 that paid for? Does British Columbia pay for that?
9 Is that covered by private insurance you might have?

10 A British Columbia Health Care Services.
11 We're all covered with them. Canada has a health care
12 program.

13 Q Do you have to pay anything yourselves for
14 the medications he's on?

15 A Both A. and I have extended benefits. So,
16 so far I believe we do not have to -- we're not
17 out-of-pocket for any of the medications.

18 (Indiscernible)

19 Q Okay. I didn't want to cut you off.

20 A We don't have to pay for his medication
21 directly. I believe our benefits cover it.

22 Q Okay. Does extended benefits, is that
23 something you have with your employers, or do you buy
24 that through the private insurance?

25 A Employers.

1 Q Do you know what an Environmental/Home
2 Survey is?

3 A Not off the top of my head.

4 Q As far as you know, you haven't had one.
5 Would that be fair to say?

6 A I can't even think about what it is at the
7 moment.

8 Q How about psycho-educational testing? Has
9 W. had any psycho-educational testing?

10 MS. SCHMERLING: Object to the form.

11 A I don't know.

12 Q How about psycho-social evaluations? Has W.
13 had any psycho-social evaluations?

14 A I don't recall.

15 MS. SCHMERLING: Object to the form.

16 Q How about vocational assessment?

17 MS. SCHMERLING: I'm going to object to the
18 form to the extent that the list that you're
19 referring to now is based off a report that might
20 have been provided as part of the mediation
21 privilege.

22 I would just let my objection stand for the
23 record. That's not something that's been
24 produced in discovery in this case.

25 MR. O'QUINN: Okay.

1 BY MR. O'QUINN:

2 Q Have you had or know what a vocational
3 assessment is?

4 MS. SCHMERLING: Object to the form.

5 Q For W.

6 A I don't recall any of those documents. I
7 don't know.

8 Q Okay.

9 THE VIDEOGRAPHER: We have about five
10 minutes of tape left.

11 Q Has W. had any group therapy?

12 A I don't think so.

13 Q Okay.

14 A I'm not positive, but I don't believe so.

15 Q Has W. had any social skills training?

16 MS. SCHMERLING: Object to the form.

17 A I can't really answer that question. I
18 think everybody gets social skills training every day
19 when they -- when they interact with other people.

20 Q Okay. Do you-all have a parental control
21 computer software and sensory integration materials?

22 MS. SCHMERLING: Object to the form.

23 A Can you give me some more information on
24 that?

25 Q You're the IT person.

1 A Can you give me some more detail than that
2 so I can understand the question better?

3 Q Sure. I'll break that down.

4 Do you have any -- well, does W. use a
5 computer any?

6 A Does he use a computer?

7 Q Yes, ma'am.

8 A Yes, he does.

9 Q Do you have any parental control computer
10 software on the computers he has access to?

11 A Some.

12 Q Okay. And what is that?

13 A He has a math program where the parent can
14 control what exercises he needs to -- math exercises
15 he needs to do, whether he's to repeat it. Keep a
16 grade book. That kind of thing.

17 Q Do you have any kind of software that would
18 limit his access to the Internet to look at things,
19 you know, pornography, anything like that?

20 A He currently is not able to use the computer
21 when there's not an adult available.

22 Q Okay.

23 A He is supervised at all times.

24 Q Okay. Is there any kind of audio video
25 observation system with respect to W.?

1 MS. SCHMERLING: Object to the form.

2 Q Have you-all put in any kind of video system
3 so that you can monitor him?

4 A We couldn't afford it.

5 Q Okay.

6 A It was certainly recommended, but we did
7 not.

8 Q Who recommended -- yeah, who recommended
9 that?

10 A I don't know if it's one of these reports or
11 not.

12 Q Okay. How about a bed alarm? Does he have
13 a bed alarm?

14 A No. We couldn't afford it.

15 Q Did someone recommend one?

16 A Well, W. suffers from Pica, so he eats
17 unusual food. So we have a baby gate. It's a manual
18 gate we have outside his room. We couldn't afford
19 alarms and what-not. So that's what we use.

20 Q Okay. And that's to keep him from eating
21 things he shouldn't be eating?

22 A Yes. And hurting animals and what-not.

23 Q And he's not able to open that?

24 A Not without us hearing him.

25 THE VIDEOGRAPHER: Going off the record.

1 The time is 4:32 p.m. This is the end of
2 videotape Number 6.

3 (A break was taken.)

4 THE VIDEOGRAPHER: Back on the record. The
5 time is 4:34 p.m. This is the beginning of
6 videotape Number 7.

7 BY MR. O'QUINN:

8 Q You mentioned that at times W. will throw
9 things around the house; is that correct?

10 A Yes.

11 Q And is there any breakage associated with
12 him throwing things, or does he throw things that
13 don't break?

14 A Yes. He has broken things.

15 Q Can you give some examples of things he's
16 broken?

17 A Coat hangers. I know there's more. I just
18 can't think of it at the moment.

19 Q How about outside the home? Has he broken
20 or damaged any property outside the home?

21 A Outdoor toys.

22 Q I'm sorry?

23 A Outdoor toys.

24 Q His toys?

25 A His toys.

1 Q Okay.

2 A I'm sure there's other things. I just can't
3 think of that right now.

4 Q What kind of dog do you-all have?

5 A A Boxer.

6 Q And what is his or her name?

7 A Finley.

8 Q Finley?

9 A Yes.

10 Q How old is Finley?

11 A He's seven, eight.

12 Q Okay. Let's talk about J. Is she still in
13 the program treatment care at Jasper Mountain?

14 A She's in a therapeutic foster care home at
15 Jasper Mountain. Yes.

16 Q And the parents' name are what?

17 MS. SCHMERLING: Object to the form. Foster
18 parent information, I believe, is confidential.

19 If you know a first name, you can say a
20 first name. But I wouldn't expose the last name,
21 if you know a last name.

22 A Melonie and Michael.

23 Q How long has J. been with Melonie and
24 Michael?

25 A I think around eight months. I'm not

1 positive.

2 Q That would be about in June of 2015?

3 A I'll say roughly eight months. I'm not
4 sure.

5 Q Okay. And how is that going?

6 MS. SCHMERLING: Object to the form.

7 A What specifically?

8 Q How is her experience in the program
9 treatment care going?

10 MS. SCHMERLING: Object to the form.

11 A I don't know her personal experience.
12 You're talking about J. personally?

13 Q Yes, ma'am.

14 A I'm not sure what her personal experience
15 is. We do get -- you know, we have an Individual
16 Service Assessment. I think it's -- I don't know if
17 there's a lot of details about her personal experience
18 or not. I would have to refer to these, though.

19 Q Okay. If there's something you want to
20 refer to.

21 A Well, there's only -- I think -- I don't
22 know if it's in here. There's 15 pages. I can see if
23 there's something in here about J.'s personal
24 experience.

25 Q Are you looking at one of the exhibits that

1 I gave you?

2 A Yes.

3 Q Okay. I have not given you an assessment
4 that would include the period of time that she was in
5 the program -- treatment care program.

6 So just generally, what is your
7 understanding, having received reports from Jasper
8 Mountain since J. has been in the treatment care
9 program, of how that program is working, how J. is
10 progressing?

11 A Okay. So I don't really know her personal
12 experiences that you asked me a few minutes ago. But
13 if you could repeat the current question for me.

14 Q Yeah. What's -- what's your present
15 understanding of how the present treatment program
16 that J. is in and how that's going?

17 A I think she's -- must be meeting some of the
18 milestones that they set up for her, some of the goals
19 since she has been stepped down from residential
20 treatment to a therapeutic foster care home.

21 Q Do you -- has there been a projection about
22 how long she'll be in that program?

23 A I believe they estimate that she could
24 potentially graduate this year from the program, but
25 it depends on how she does, how she's meeting the

1 goals and objectives.

2 Q Okay. And after graduating from the
3 program, what -- what would be next?

4 MS. SCHMERLING: Object to the form.

5 A Jasper Mountain would lay out what -- sort
6 of what some potential steps would be for the family
7 or for J. -- for J.

8 Q Okay. And when you say lay out potential
9 steps, what do you mean by that?

10 A Well, it depends if she successfully
11 graduates, meets all the goals and objectives, they
12 would make recommendations. I don't know what those
13 recommendations would be. I don't if the
14 recommendation would be for her to come back to
15 Victoria or -- I'm not sure what they would be.

16 Q And you discussed with Jasper Mountain what
17 the options might be?

18 A We've discussed that she would potentially
19 graduate from the program this year. And we're not
20 really into steps. We're more into therapy, working
21 through issues in therapy, is what -- you know,
22 individual therapy.

23 Q Right.

24 A What she's doing. And we haven't really
25 discussed next steps. There's been -- there hasn't

1 been anything defined on paper as far as I know.

2 Q Okay. What would be the option? You know,
3 you mentioned coming back to Victoria. Would that be
4 living with you and Mr. D. and W.?

5 A Yes. Yes.

6 Q Okay. What other options might there be?

7 A I don't know.

8 Q When is the last time that you Skyped
9 with J.?

10 A That would have been last Thursday, I
11 believe.

12 Q And was it just you and J.? Was it -- was
13 Mr. D. involved in it? Did W. participate?

14 MS. SCHMERLING: Object to the form.

15 A I Skyped with J. and her individual
16 therapist.

17 Q Okay. And that is who now?

18 A Beau -- I can't remember his last name at
19 the moment. First name is Beau.

20 Q Okay. Maybe Erickson, I think.

21 Anyway, so when is the last time that you
22 spoke by telephone with J., other than Skyping, just a
23 regular telephone?

24 A I last time I talked to J. on the phone
25 might have been roughly two weeks ago.

1 Q And when is the last time you saw her?

2 A Last year. Might have been around Easter.

3 I can't remember.

4 Q Easter of 2015?

5 A Yes.

6 Q Do you know where that was? Was it back in
7 Victoria? Did you-all go visit her in Oregon?

8 A We visited her at Jasper Mountain.

9 Q When's the last time J. has been to
10 Victoria?

11 A I'm trying to remember the dates. Over a
12 year ago, anyway.

13 Q And did she spend this last Christmas, then,
14 with Melonie and Michael and their family?

15 A Yes.

16 Q And Thanksgiving as well?

17 A Yes.

18 Q Is having J. back in your home something
19 that you would like if it's an appropriate
20 recommendation from Jasper Mountain?

21 A Yes.

22 Q How did you hear about Jasper Mountain?

23 MS. SCHMERLING: I'm going to object to the
24 extent that that's calling for any type of
25 attorney-client privileged communication and

1 instruct you not to answer.

2 BY MR. O'QUINN:

3 Q Let's go back and start at the beginning.
4 We've kind of ended up -- we started at the end with
5 Jasper Mountain. Let's jump back to the beginning.

6 Initially, who was your main contact at
7 Jasper Mountain?

8 A I don't know if we had a main contact.

9 Q Okay.

10 A There's a person that does administration.
11 Her name is Michelle Parin (phonetic). I would think
12 she was our main contact.

13 Q How was -- how was and how is Jasper
14 Mountain being paid for?

15 MS. SCHMERLING: Object to the form.

16 A How are they being paid?

17 Q Yes, ma'am.

18 A Well, A. and I aren't paying. I don't know
19 how they're getting paid, but they are being paid.

20 Q Do you know if it's being paid for by the
21 State of Oregon, by the United States Government or
22 Canadian Government?

23 MS. SCHMERLING: Object to the form.

24 A In the U.S.

25 Q Pardon?

1 A The U.S. is paying for it. I don't know
2 what insurance or agency or anything like that. We
3 would have to see the paperwork. I don't know how
4 they're getting paid.

5 Q Okay. Do you know what the cost is?

6 A No, I do not.

7 Q There are various programs, my understanding
8 is, that Jasper Mountain has, and I'll list the ones
9 of which I'm aware.

10 One is the Psychiatric Residential Treatment
11 Program. Other is a Safe Center Program. Another is
12 The School of the Academic Treatment Program. Other
13 is the Treatment Foster Care Program. And other is
14 The Village Program.

15 We know right now she's in the Treatment
16 Foster Care Program, correct?

17 A Yes.

18 Q Okay. And for the years -- school years
19 2013, 2014, and -- 2014 and 2015, it's my
20 understanding she was in the Psychiatric Residential
21 Treatment Program; is that correct?

22 A I've never known it as Psychiatric Treatment
23 Program. I've only --

24 Q Okay.

25 A -- heard it referred to as Residential

1 Treatment at Jasper Mountain.

2 Q And then she was also in the academic school
3 there; is that correct, during those years?

4 A Yes. She goes to school at Jasper -- on
5 Jasper Mountain property. I don't know the name.

6 Q And even while she's in the Treatment Foster
7 Care Program, as she is now, she's still goes to the
8 Jasper Mountain School; is that correct?

9 A Yes.

10 Q Did you come to have some kind of
11 understanding of when J. was in the residential
12 program, what her typical day was like as far as
13 school, activities after school, chores?

14 A Somewhat --

15 MS. SCHMERLING: Object to the form.

16 A There's some information in these Individual
17 Service Assessments. I think they vary.

18 Q Okay. Well, while there, do you know
19 whether the kids had chores they had to do?

20 MS. SCHMERLING: Object to the form.

21 A I don't know about all the kids.

22 Q Okay. How about J.? Do you know whether J.
23 had chores she had to do?

24 A I recall J. talking about working in a
25 garden.

1 Q Okay.

2 A Helping out in the kitchen.

3 Q Okay.

4 A I don't know if those were chores, but I do
5 recall having those conversations.

6 Q Okay. How about any extra curricular
7 activities? Any sports? Did she participate in any
8 sports?

9 A I know that they had to go through some
10 annual fitness program at the school. I think it's a
11 U.S. program.

12 Q Okay. How about any horseback riding? Did
13 she do any horseback riding there, or is she doing any
14 now?

15 A They have horses at Jasper Mountain. I
16 believe she has ridden a horse there. I don't know if
17 it's a program, but I believe that she has.

18 Q Okay.

19 A And I think there is a chore of cleaning up
20 the stalls. So, yeah.

21 MS. SCHMERLING: Before we move on to your
22 next exhibit, I just want to make sure -- it's
23 getting close to 5, and I don't know if your
24 assistant is leaving for the day.

25 I just want to make sure I can get a copy of

1 those records prior to leaving.

2 MR. O'QUINN: Okay. I'll go get them right
3 now.

4 MS. SCHMERLING: Okay.

5 THE VIDEOGRAPHER: Going off the record.

6 The time is 4:55 p.m.

7 (A break was taken.)

8 THE VIDEOGRAPHER: Back on the record at
9 5:02 p.m.

10 BY MR. O'QUINN:

11 Q If we could look at Exhibit 11, which is an
12 Individual Service Assessment dated October 20, 2013,
13 and look at page 1, please.

14 The second paragraph begins with word,
15 "Currently." Do you see that?

16 A Yes.

17 Q It says, "Currently J. presents with complex
18 trauma symptoms, including the following immediate
19 safety issues." And then it drops down. There's a
20 number of lines, and then it drops down toward the
21 middle of that paragraph where it talks about "false
22 allegations of abuse." Do you see that?

23 A Yes.

24 Q It's indicating that, "J. presents with a
25 number of things, including false allegations of abuse

1 (telling school teachers that she is starved/abused at
2 home, arrived at Jasper Mountain with a raw sore on
3 her forehead and cheek from rubbing a wash cloth, told
4 mom that she would tell Jasper staff that her mother
5 and father abused her)."

6 Are you aware of any instances at any of the
7 schools or at Happy Valley where J. told her teachers
8 that she was starved and abused at your home?

9 MS. SCHMERLING: Object to the form.

10 A Can you repeat the question, please.

11 Q Are you aware of any instances where at
12 Happy Valley J. told her teachers that she was starved
13 and abused at your home?

14 A One that comes to mind is J. said she didn't
15 get enough food at home when she was at Happy Valley
16 and that she needed lunches. So she was asking lunch
17 monitors for a lunch and said that she didn't get any
18 food.

19 Q Okay. And how did that come to your
20 attention that she had done that?

21 A I don't remember if it was a teacher or the
22 principal, but I think somebody casually mentioned
23 that, you know, J. didn't get a lunch, but we fed her.
24 You know, don't worry. So it came as a big surprise.

25 Q Okay.

1 A And then that's how we ended -- we found out
2 that she was getting a lunch, a free lunch, every day
3 in addition to what she already received from home.

4 Q Okay. You don't have any recollection of
5 coming to know that J. had told her teachers that she
6 was being abused at your home?

7 A Well, not getting any food, we consider
8 abuse.

9 Q Okay. Now, it says that, "When J. arrived
10 at Jasper Mountain, she had a raw sore on her forehead
11 and cheek from rubbing a wash cloth and told you that
12 she would tell Jasper staff that her mother and father
13 abused her."

14 Do you have a recollection of J. telling you
15 that?

16 A Yes.

17 Q If you look at the next page, and in that
18 first paragraph kind of right in the middle of the
19 paragraph, it would be one, two, three, four lines
20 from the bottom, it states,

21 "It is hoped that residential treatment will
22 be a setting where J.'s attempts to control others
23 around her would not be successful and she can instead
24 focus on appropriately processing past trauma,
25 learning healthy outlets for emotional expression, and

1 begin to learn and practice social skills for living
2 in a family and appropriately relating to peers."

3 Did I read that correctly?

4 A I believe so.

5 Q Okay. I want to focus on the beginning of
6 that, that says, "It is hoped that residential
7 treatment will be a setting where J.'s attempts to
8 control others around her will not be successful."

9 Before J. started at Jasper Mountain, had
10 you experienced where J. was attempting to control
11 others around her?

12 MS. SCHMERLING: Object to the form.

13 A What setting?

14 Q Well, before Jasper Mountain, were you able
15 to recognize her -- J.'s conduct as being designed to
16 control others around her?

17 MS. SCHMERLING: Object to the form.

18 A There's a discharge report from
19 Mary Manning --

20 Q Yes, ma'am.

21 A -- where I believe her past therapist,
22 Kathleen Lightman, mentioned some controlling issues
23 J. had.

24 Q Okay. Would you disagree with the
25 assessment that J. was trying to control others by her

1 conduct?

2 MS. SCHMERLING: Object to the form.

3 A I -- again, this is just a very short
4 paragraph that I didn't write. So, I mean, I can
5 only -- certainly the terms in which the therapist
6 would use and controlling and how that's done, I
7 would -- if the therapist wrote that, then, sure, I
8 would agree with that. They're the experts.

9 Q Okay. But, I mean, is that something that
10 you're experiencing and seeing that, well, you know,
11 what J. is trying to do is control us by her conduct?

12 What J. is trying to do is control W. by her
13 conduct. Did you ever have that impression?

14 MS. SCHMERLING: Object to the form.

15 A I'm not sure if I'm reading it the way
16 you're saying it. I can't really speak to that. I
17 mean, I know the therapist said that she is
18 controlling -- controlling, trying to control her
19 environment. But I can't really speak to the outcome
20 of her behaviors.

21 Q Well, are you -- what I'm curious is --
22 about is whether, when you viewed her conduct, you
23 yourself was seeing it as her attempt to control
24 others?

25 MS. SCHMERLING: Object to the form; asked

1 and answered. And she's not a therapist or an
2 expert that can opine on that.

3 Q You can go ahead.

4 A I can't really add to any -- anything else
5 to what I've already said. And I don't know all the
6 others that she would be trying to control.

7 Q Okay. Did J. ever tell you that while she
8 was at the Taylor home in Virginia, she was made to
9 eat her vomit?

10 A Repeat the question, please.

11 Q Did J. ever tell you that while she was in
12 the Taylor home in Virginia, she was made to eat her
13 vomit?

14 A I don't recall that conversation.

15 Q If you would look at page 9 of that report,
16 there's a section F up at the top, and the second
17 paragraph in that section that begins with the words,
18 "This pattern." Do you see that paragraph?

19 A Yes.

20 Q If we look at the fourth line from the top
21 of that paragraph toward the right-hand margin,
22 there's a sentence that begins, "J. lied often to both
23 teachers and peers."

24 Do you have any experience or knowledge with
25 J. lying to either her teachers or her peers?

1 A Well, I had mentioned the stealing. So
2 taking other children's lunch and denying she did it
3 and being caught by her peers or the teacher.

4 Q But are you aware of any indirect instances
5 where she lied to her teachers?

6 A That's just one example, but she lied to the
7 teachers when they asked her, did you take those, and
8 she'd say no.

9 Q Okay. And you can't think of any other
10 examples?

11 A Stealing the other children's school
12 equipment, pencils, eraser, special markers. I'm
13 trying to think of some more.

14 MR. O'QUINN: I'm going to mark Exhibit 12,
15 which is a Jasper Mountain Individual Services
16 and Support Plan dated October 10, 2013.

17 (Defendant's Exhibit 12 was marked for
18 identification.)

19 BY MR. O'QUINN:

20 Q Let's go to the middle paragraph that
21 begins, "Reasons for residential entry."

22 Do you see that?

23 A I'm sorry. Page 1? What page?

24 Q Page 2. I'm sorry.

25 A I see it.

1 Q Okay. It begins, "J. presents with complex
2 trauma symptoms including immediate safety issues,"
3 and then it continues. And on the third line it says,
4 "making false claims of abuse."

5 And I think we've talked about that before,
6 but it's referenced again. And do you know what false
7 claims of abuse the therapist, Ms. Stauffer, is
8 referring to?

9 MS. SCHMERLING: Object to the form.

10 A There's not a lot of detail in this
11 paragraph with respect to the false claims. I don't
12 know.

13 Q Okay. And then if we go down into that next
14 paragraph under heading, "Individual's and Family's
15 Strengths."

16 In that paragraph we've go up four lines,
17 right in the middle of the page. It begins with the
18 sentence, "However." Do you see that?

19 A Yes.

20 Q "However, it is also a detriment to her
21 treatment progress as her covert behaviors related to
22 tricking and deceiving others can be reinforced when
23 they work."

24 Do you have any knowledge of J. ever having
25 covert behaviors --

1 MS. SCHMERLING: Object to the form.

2 Q -- related to tricking and deceiving others?

3 MS. SCHMERLING: Objection.

4 A I would have to do a lot of reading. Again,
5 this is written by a ther -- a therapist. I don't
6 know what's --

7 Q And my question is, do you have any
8 experiences where you thought J. was making covert
9 behaviors related to tricking and deceiving others?

10 A Well, she -- at times she would pretend that
11 she wanted to give me a hug, but she just wanted to
12 put feces and urine on me.

13 Q Okay. Any other examples?

14 A I'm sure there are. Let me think for a
15 second.

16 Pretending to want to pet the dog, but
17 really trying to feed him some old food she saved from
18 lunch to make the dog sick or . . .

19 Q Okay.

20 A You know, pretending she wants to be nice to
21 W., but then call him names. Something like that. I
22 know there's a lot more.

23 Q Okay.

24 A But there's a few examples.

25 Q Okay. And let's go to the next page, page

1 3. In the paragraph at the bottom, "E. Triggers
2 Unsuccessful Interventions." And on the right-hand
3 margin of that first line, there's a sentence, "J.
4 seeks." Do you see that?

5 A Yes.

6 Q "J. seeks power and control from those
7 around her by playing the victim, pretending she is
8 helpless, trying to manipulate situations for personal
9 gain and sneaky covert behaviors intended to get a
10 specific reaction from others."

11 Did I read that correctly?

12 A Yes.

13 Q Had you ever witnessed J. playing the victim
14 in any circumstances?

15 MS. SCHMERLING: Object to the form.

16 A I know that the discharge report from
17 Kathleen has some detail about J. playing the victim
18 role. And I have a feeling that statement, playing
19 the victim role, might be more of a therapeutic
20 statement, I suppose.

21 So I don't think I can answer that, but the
22 expert report would probably have more.

23 Q Kathleen Lightman?

24 A Yes.

25 Q Do you -- have you ever had instances where

1 J. was pretending that she is helpless?

2 A I'm trying to think of some examples. Some
3 negative attention-getting behavior, like one day she
4 can't tie up her shoes or she can't find the coat she
5 needs to put on before going outside, and those kinds
6 of things.

7 Q Okay.

8 A I know there's a lot more, but as far as
9 trying to get some help through negative behaviors,
10 those would be a couple of examples there.

11 Q Okay. How about you experiencing any
12 situations where she was trying to manipulate
13 situations for personal gain?

14 MS. SCHMERLING: Object to the form.

15 A Can you be a bit more specific?

16 Q Well, the therapist here, Ms. Stauffer, says
17 that, "J. tries to manipulate situations for personal
18 gain." And so I was asking if you were aware of any
19 examples of that.

20 MS. SCHMERLING: Object to the form.

21 A She's written it and I'm not sure what she's
22 getting at.

23 Q Okay.

24 A There's a lot of . . .

25 Q Okay. If we go to page 4, we have some

1 bullet points on the top of that page. Did you see
2 those?

3 A Yes.

4 Q The last one says, "J. is extremely
5 sensitive when she perceives that she is being treated
6 differently due to her race. In early foster home, J.
7 was targeted for being African-American and teased and
8 mistreated due to the color of her skin and texture of
9 her hair." Did I read that correctly?

10 A Yes.

11 Q Did you ever perceive J. as having that
12 sensitivity described in that sentence?

13 MS. SCHMERLING: Object to the form.

14 A I -- I don't know what the therapist means
15 by sensitivity. I know what J. reported happened in
16 Ms. Smith's home and the number -- and the types of
17 names she was called, but I can't really speak to how
18 Sarah's written it here.

19 Q Okay. Well, did J. ever mention anything to
20 you about her being treated differently in Victoria,
21 in your setting, because of -- because she was
22 African-American?

23 A I don't recall that. I don't recall her --
24 I know she was conscious of being black. Where we
25 live, there isn't a lot of black people, but I don't

1 recall --

2 Q I'm sorry. I didn't hear that.

3 A I know was she conscious of being black.
4 Where we come there, there isn't a lot of black
5 people, but I don't recall her being sensitive.

6 Q Okay.

7 A The way that it's written here.

8 Q Okay. Are your adoptive parents black?

9 A No.

10 Q Did she have any black playmates? How
11 about school? What was the ethnicity of the school?

12 A I don't know who her playmates were, and I
13 don't know the full demographic of the school.

14 Q Okay. Well, did you ever go to her
15 classroom activities while she was at Happy Valley?

16 A Yes.

17 Q Were there any black children there?

18 A I saw brown children. They could have been
19 First Nations. They could have been Filipino. I
20 don't know.

21 Q Okay. Let's go back to the beginning at
22 Jasper Mountain. How did -- how was J. first told
23 about Jasper Mountain and that she might be going
24 there?

25 A Are you referring to a specific exhibit or

1 just --

2 Q No, no, no. I'm just asking, you now.

3 A Oh, okay.

4 Q You know, as a mom and a dad, you know, how
5 did you first broach the subject of Jasper Mountain
6 with J. and the possibility that she might be going
7 there?

8 A We told her that we needed additional
9 support and help for her, and we needed her to have
10 some full-time care, and we were going to be driving
11 her to a place in Oregon called Jasper Mountain.
12 Something to that effect.

13 Q Okay.

14 A Not exactly, but something like that.

15 Q Okay. And what was her reaction to that?

16 A Anger. She was angry.

17 Q Okay. Did the three of you make that trip,
18 you, J. and Mr. D., or did W. accompany you

19 A W. accompanied us. There was four of us in
20 the car.

21 Q Okay. And was there a trip to visit before
22 she was taken and dropped off, or was she just -- did
23 you-all just make that one trip?

24 A We made the one trip. I don't think you
25 visit Jasper Mountain. I think it's you apply and --

1 Q Okay.

2 A -- you're either accepted or you're not. I
3 don't think they would allow public visiting.

4 Q Okay. And then coming forward, I know that
5 initially you had telephone conferences, you know,
6 telephone calls lined up and Skype sessions lined up,
7 but eventually those were terminated at least for a
8 while. Is that -- my understanding right on that?

9 MS. SCHMERLING: Object to the form.

10 A I think there was a break in Skype. Not
11 communication, but I think there was a break in Skype
12 calls.

13 Q Okay. Going back to that first school year,
14 September 2013 to June of 2014, what kind of contacts
15 were you-all having? Did you have any visits to
16 Jasper Mountain? Did she come home any?

17 A What was the time frame again?

18 Q The first year she was there. September
19 2013, that academic year, June 2014.

20 A They don't recommend visits in the first
21 year.

22 Q Okay. Now, did she come home for Christmas
23 that first year? Did she come home at all that first
24 year?

25 A She did come home briefly, I believe, in the

1 first year because we had to renew her Passport. It
2 wasn't an official visit. It was something we had to
3 do.

4 Q Okay. And how about the -- so that
5 Christmas she would have stayed at Jasper Mountain?

6 A I -- I believe we updated her Passport after
7 Christmas. So she would have been at Jasper, I think.

8 Q Okay. How about during the summer? Was she
9 in residence even during the summers?

10 A What period again? What time frame are we
11 talking about?

12 Q That would be her first summer that she was
13 gone. That would have been the summer of 2014.

14 A Well, it's 24-hour care. So Jasper Mountain
15 would be responsible for whatever activities she did
16 throughout the entire year.

17 Q Okay.

18 THE VIDEOGRAPHER: We have about five
19 minutes of tape left.

20 MR. O'QUINN: Okay.

21 MS. SCHMERLING: Bubba, how much longer do
22 you think you're going to have?

23 MR. O'QUINN: You know, I want to go through
24 Ms. T.'s present understanding of health and how
25 the program is progressing. I would think 30

1 more minutes.

2 MS. SCHMERLING: And then you'll be done?

3 MR. O'QUINN: I'll be glad to do that today.
4 I mean, I know it's late and you're tired. We
5 can do that in the morning before we start Mr. D.
6 Whatever your preference is. It doesn't matter
7 to me.

8 THE WITNESS: I'm fine with doing --

9 MS. SCHMERLING: Just continue?

10 THE WITNESS: -- about 30 -- yeah --
11 minutes. Yeah.

12 MS. SCHMERLING: Okay. I just wanted to get
13 a time frame.

14 MR. O'QUINN: Do you want to take a stretch?
15 She's got to change her tape.

16 THE VIDEOGRAPHER: Going off the record at
17 5:35 p.m. This is the end of videotape Number 7.

18 (A break was taken.)

19 THE VIDEOGRAPHER: Back on the record. The
20 time is 5:51 p.m. This is the beginning of
21 videotape Number 8.

22 BY MR. O'QUINN:

23 Q During the period of time that J. has been
24 at Jasper Mountain, have you ever seen monthly reports
25 on her progress?

1 A Yes.

2 Q Based on your review of those monthly
3 progress reports, what's your impression as to her
4 course of treatment there, whether it's resulted in
5 improvement, stayed the same?

6 MS. SCHMERLING: Object to the form.

7 A Reading through the reports, the therapist
8 and some other support staff has said that J. is
9 meeting some of their goals, that she is -- responds
10 to her peers appropriately for the most part.

11 She does have -- she has better hygiene,
12 washes her hair, that kind of thing. So some of the
13 struggles that we had with her at home, there's been
14 some progression, some positive outcomes.

15 Other areas that we're not sure about is,
16 you know, whether if J. came home, whether or not she
17 would try to kill me, whether or not she would
18 continue, you know, trying to poison me with things
19 that I'm allergic to, like fruit and nuts.

20 We don't know if she would continue to try
21 and get W. to kill me or other students at school.
22 Those kind of things we're really not sure about.

23 Q Did you participate -- well, when she was in
24 the residential program, they had monthly team
25 meetings that I think you would participate in by

1 telephone; is that correct?

2 A Not in team meetings. They have various
3 meetings throughout their week. We attended a
4 monthly, I guess, ISSP planning meeting. It was more
5 based around the reports that they were going to
6 produce.

7 Q The monthly meetings?

8 A Yeah, with the parent.

9 Q Right.

10 A They had their -- they had several meetings
11 throughout the month. This is the one we were invited
12 to.

13 Q Right. And you would attend those by phone?

14 A Yes.

15 Q Now that she's been in the foster treatment
16 program, do they still have that monthly meeting that
17 you participate in?

18 A Yes.

19 Q How is she doing academically?

20 A Very well.

21 Q And she's always been a good student, is my
22 understanding.

23 A Yeah. She's -- I understand she's putting
24 in effort now to produce some good work.

25 Q How is her physical health as far as you

1 know?

2 A I think one of the latest reports I read
3 about is she's overweight. She has some issues with
4 her feet. She has some bunions. She needs some
5 orthopodic -- orthopedic shoes made.

6 She still has allergies, I guess, to dust.
7 That was what she had in Victoria anyways. But her
8 overall health is good.

9 Q Okay. Do you know if she's on any
10 medications?

11 A She still on propamanol. That's in the
12 reports as well.

13 Q Are you aware of whether she's on anything
14 else?

15 A I'm not aware of her being on anything else.

16 Q And her medical expenses that she might need
17 while she's been at Jasper Mountain, are those also
18 paid for by the U.S., whatever the source is?

19 MS. SCHMERLING: Object to the form.

20 A I don't know who pays for her medical
21 expenses. I think it's an insurance agency in the
22 United States. There are some medicines that we have
23 to pay for. Like her allergy medicine, we pay for and
24 send it down.

25 I received a note the other day that

1 orthopedic shoes are not covered by insurance down
2 here. I don't know. I'll have to check more into
3 that. So I believe, you know, maybe some specialty
4 services. Her medicines aren't covered. I don't know
5 for sure.

6 Q Okay. Are you aware of any alleged abuse at
7 any foster homes other than the Poston home and the
8 Annette Smith home?

9 MS. SCHMERLING: Object to the form.

10 A Am I aware about abuse that --

11 Q Yes, ma'am. Or alleged abuse at any homes
12 other than the Poston home or the Annette Smith home?

13 MS. SCHMERLING: Same objection.

14 A I'm not aware. The kids have talked about
15 their homes, but I'm not -- we have -- we didn't
16 receive any documentation on stating that the other
17 homes had any issues.

18 Q Okay. When you say the kids talked about
19 their homes, did they talk about all the homes,
20 Annette Smith, Cathy Smith, Brenda Mikus?

21 A Yeah. They made some comments about every
22 home that they've been to, and we talked about
23 Ms. Cathy's home. And J. commented that she was made
24 to either eat some peas and threw up the peas and she
25 had to eat them again anyways.

1 Q And what home was that at?

2 MS. SCHMERLING: Object to the form.

3 A The home in which she said she had thrown up
4 the peas?

5 Q Okay. What did she say about the Cathy
6 Smith home?

7 A Well, she said that -- I don't know what her
8 husband's name -- would call her Journey Ernie because
9 her name was Journey. And they talked about -- there
10 was one special event that J. mentioned, but she did
11 mention the peas, throwing up peas at their home.

12 Q At the Cathy Smith home?

13 A The second foster home. I think they called
14 her Ms. Cathy.

15 Q Okay.

16 A Yeah, they called her Ms. Cathy. They
17 called the first foster home Ms. Smith.

18 Q Okay. And what did they say about Brenda
19 Mikus?

20 MS. SCHMERLING: Object to the form.

21 A They have fond memories of being in the
22 theater that Brenda was involved in at her church.

23 Q The feeder?

24 A Theater.

25 Q Oh, theater. Okay.

1 A Yeah. They were in a church choir.

2 Q Okay. And how about Virginia, the Taylors
3 in Virginia?

4 A I commented on some of the spanking that W.
5 complained about and J. being hit with a ruler.

6 Q Okay.

7 A And being talked to about taking items out
8 of their daughter's room, that kind of thing.

9 Q Okay.

10 A They talked about taking a flight back to
11 Jacksonville from their home.

12 Q Okay. From Virginia?

13 A From the Virginia home back to Jacksonville.

14 Q What did they talk about in that flight?

15 A I don't know what they talked about in the
16 flight, but they did mention that they thought they
17 were going back there to live in Virginia, but it
18 didn't happen.

19 Q When they came from Virginia to
20 Jacksonville, they thought they were going back?

21 A Yes.

22 Q Okay. And what did J. and W. share about
23 that experience?

24 A Just that they -- you know, they were
25 spanked and hit with a ruler and that they thought

1 they were going back there to live, but they were --
2 at least J. mentioned being happy that she wasn't
3 going back.

4 Q Okay. You mentioned that Bill [sic], when
5 you came to Canada would talk baby talk. Tell us what
6 you mean by baby talk.

7 A Baby sounds. So bah, bah. You know,
8 pointing at things that he wanted, say, a drink.
9 Water.

10 Q Now, in either of your two visits when you
11 would come to Jacksonville to visit the children, had
12 he ever done any of that?

13 A I'm sorry. Can you repeat that?

14 Q In your visits before you actually went back
15 and got them in Canada, during your two visits to the
16 children in Jacksonville, had he ever done any of
17 that?

18 A Some.

19 Q And did he do that in the presence of
20 someone other than you and Mr. D.?

21 A I seem to recall him doing it at their
22 current foster home.

23 Q That would have been Brenda Mikus?

24 A Yes.

25 Q Did Brenda make any comment on that?

1 MS. SCHMERLING: Object to the form.

2 A She mentioned that he could speak.

3 Q Did she say anything about how often he does
4 the baby sounds as opposed to how often he speaks?

5 A I don't recall her saying -- giving any
6 detail around that.

7 Q Okay. And how long did he continue to do
8 that after you got in Canada?

9 A Well, certainly within the first year of
10 being in our home, he could speak quite plain. He
11 might on occasion do that, baby talk, but he could
12 actually speak.

13 Q Did you ever go a period of time after you
14 got back in Canada where you couldn't communicate with
15 him?

16 A Well, we could always communicate with W.
17 because he would point at things.

18 Q Well, after he got back to Canada, was there
19 a period of time where he would speak with you normal?

20 MS. SCHMERLING: Object to the form.

21 A W. didn't have a large vocabulary, but I
22 certainly recall him knowing yes and no, and that if
23 he wanted something. So he used some small words.

24 Q And he was doing that during the first year?

25 A Not the entire year. I don't know the

1 duration, but he had a combination maybe of some baby
2 talk and some small words.

3 Q Well, how did that affect his ability to do
4 kindergarten in September 2009 when he got to Canada?

5 MS. SCHMERLING: Object to the form.

6 A I would have to read his report card.

7 Q Okay. And do you recall that being a
8 problem at school? You know, the teacher saying, wait
9 a second, he's -- you know, he just says this and that
10 and points and talks in baby sounds, and that's not
11 appropriate for kindergarten?

12 A I mostly remember being told he was running
13 out of the room where the teacher was and going to the
14 principal's office. So whether he -- it didn't sound
15 like he talked and said, I'm leaving.

16 Q Yeah.

17 A He just ran away. And he loved listening to
18 the principal read to him from story books. So that
19 doesn't take any speaking either.

20 Q Okay.

21 A So I don't really know. He did produce
22 some -- some work.

23 Q Okay. Are you aware of either J. or W.
24 before coming to Canada making any reports of abuse?

25 MS. SCHMERLING: Object to the form.

1 A What I knew before coming to Canada was what
2 we received from Choices in the form of documentation
3 from FSS.

4 Q And was any -- did any of that material
5 contain assertions by either J. or Bill that they had
6 been abused anyplace?

7 A In the first foster home, Ms. Smith's home,
8 they called her Ms. Smith, it just said it was closed.
9 Didn't give any detail as to why.

10 And in the Poston home, it said that the
11 children were removed, and I believe it said due to a
12 teenager being permitted to spank J. She complained
13 about that.

14 Q Okay. Would you know whether those were
15 based on allegations that J. or Bill made or whether
16 they were related to something else?

17 MS. SCHMERLING: Object to the form.

18 A I don't know. I just know that we received
19 that documentation with a couple of sentences.

20 Q Okay. What symptoms do you think J. has
21 that are related to abuse as opposed to other causes,
22 such as never having a stable home during her entire
23 life until she came to Canada with you?

24 MS. SCHMERLING: Object to the form.

25 A I'd have to defer to the report from the

1 therapists and the psychiatrists for that.

2 Q Okay. During the period of time that J. has
3 been in Jasper Mountain, since she's no longer in the
4 home, has W.'s stories changed any concerning any
5 other foster homes that they have been in?

6 A We don't have weekly discussions about his
7 foster homes anymore. That just sort of disappeared.

8 Q Okay.

9 A When W. has a discussion about his past, it
10 usually comes up because something is reminding him of
11 something or he's had a nightmare.

12 So we will -- yeah, there isn't any specific
13 discussion, but there's discussion about his past.
14 Certainly in the weekly therapy, I'm sure that comes
15 up.

16 MR. O'QUINN: Okay. I don't think that we
17 have anything else.

18 I am going to try to look at some of those
19 700 pages that we got. So I might have a
20 follow-up question based on that. But other than
21 that, we don't have any other questions.

22 THE WITNESS: I don't have any questions,
23 but I -- I don't think I sort of covered off all
24 of W.'s behaviors. I know what I said, but
25 there's more to add to the list. But certainly,

1 you know, he still has exceptionized behaviors
2 that are of concern to us.

3 And in the past, he's -- you know, with his
4 constant masturbation and calling me to the
5 bathroom or his bedroom when he's doing it, it's
6 been problematic. And touching the dog's
7 genitalia.

8 Recently, just sort of sitting on the couch
9 and, you know, touching his own. You know, in
10 therapy he was told, you can touch your own,
11 yourself, but you need to be in your room or your
12 bedroom. But he's doing that again, and that's
13 out in the living room and public.

14 And one of the last therapist sessions we
15 had, they pressed me to the point after
16 discussing with me after they -- he and W. came
17 down from the playroom where they have their hour
18 session and said that, you know, W. gave him a
19 hug from behind and it was really uncomfortable
20 and not appropriate.

21 BY MR. O'QUINN:

22 Q Okay. You indicated there was a period of
23 time when Michael [sic] had constant masturbation and
24 would do it in front of you and seek you out?

25 MS. SCHMERLING: Object to the form.

1 A Yeah. W. W. would call out to me.

2 Q Okay.

3 A Ask me for something and he would be
4 standing in the bathroom masturbating.

5 Q During what period of time -- well, let me
6 ask you this way. Can you give us a time period when
7 that level of masturbation ended?

8 MS. SCHMERLING: Object to the form.

9 A Well, he's still masturbating, but not
10 necessarily calling me in the bathroom. He's just
11 doing it, and then I look over and that's what he's
12 doing.

13 Q Okay. And is that a daily occurrence?

14 A Well, I had to talk to him about it last
15 week and the week before that. Wasn't every day, but
16 enough that I noticed it and had to talk to him about
17 it.

18 Q And how about when he's out in public,
19 the -- the inappropriate sexual touching, what is that
20 level? How frequently does that occur?

21 A For example, he's playing football or
22 something and he's really excited and not thinking, he
23 just kind of -- in his, you know, his habit thing, he
24 might run up and sort of touch the coach close to his
25 privates or something like that.

1 But I'm not sure how aware he is of it, but
2 he's definitely invading the coach's space.

3 Q Any idea how W. views that? Does he view
4 that as a sexual touching or just an excitement where
5 he's reaching out?

6 MS. SCHMERLING: Object to the form.

7 A I don't know how he views it, but we talk to
8 him about, you know, keeping his distance and what
9 he's supposed to do. That he needs to stand back with
10 all the other kids and put his hands by his side.

11 Q And W. was born in August of 2004, I think
12 my recollection is. So he's --

13 A Yes.

14 Q -- coming up on 12?

15 A That's right.

16 MS. SCHMERLING: Just for the record,
17 Robert, I don't have a problem, you know, letting
18 us know tomorrow morning if you can whether
19 you're going to continue to --

20 MR. O'QUINN: Oh, oh, yeah. We'll do that
21 right in the beginning. I'll let you know
22 whether we have any questions.

23 MS. SCHMERLING: With the understanding that
24 it's, you know, limited to the documents --

25 MR. O'QUINN: Oh, absolutely.

1 MS. SCHMERLING: -- the Jasper Mountain
2 documents that were just produced.

3 MR. O'QUINN: Oh, sure. Yeah.

4 THE VIDEOGRAPHER: Going off the record.
5 The time is 6:18 p.m. This is the end of the
6 deposition.

7 (The deposition concluded at 6:18 p.m.)

8 REPORTER'S NOTE: The following statement
9 was put on the record on Wednesday, January 13,
10 2016, at approximately 9:00 a.m.:

11 MR. O'QUINN: I'll say again that -- you
12 know, I think we probably indicated yesterday,
13 but we'll go ahead and say something here.

14 MS. SCHMERLING: So for purposes of the
15 record, are we ending it or are you --

16 MR. O'QUINN: I'll say on the record that
17 we've ended and you can say the read or waive.

18 MS. SCHMERLING: Yeah. We're going to read.

19 MR. O'QUINN: So anytime we're ready to
20 start, we'll finish up Ms. T. and start Mr. D. I
21 don't have more questions for Ms. T.

22 MS. SCHMERLING: And no questions for me,
23 and we'll read.

24 (The video deposition of A.D. began shortly
25 thereafter.)

1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA

4 COUNTY OF DUVAL

5
6 I, Denice C. Taylor, Florida Professional
7 Reporter, certify that I was authorized to and
8 did stenographically report the video deposition
9 of S.T.; that the reading and signing of the
10 transcript was requested, and that pages 4 through
11 206, inclusive, are a true and complete record of my
12 stenographic notes.

13 I further certify that I am not a relative,
14 employee, attorney, or counsel of any of the parties,
15 nor am I a relative or employee of any of the parties'
16 attorneys or counsel connected with the action, nor am
17 I financially interested in the action.

18 Dated this 5  2017.

19
20 _____
21 Denice C. Taylor, FPR
22
23
24
25

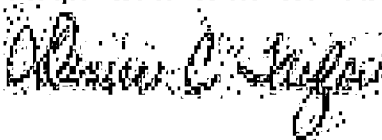
1 CERTIFICATE OF OATH

2
3 STATE OF FLORIDA

4 COUNTY OF DUVAL

5
6 I, Denice C. Taylor, Florida Professional
7 Reporter, Notary Public, State of Florida, do hereby
8 certify that S.T., personally appeared before me on
9 the 12th day of January, 2016, and was duly sworn.

10 Signed this 5th day of October, 2017.

11 
1213 _____
14 Denice C. Taylor, FPR
15 Notary Public in and for the
16 State of Florida at Large17
18 My Commission No. FF-184340
19 Expires: December 23, 2018
20
21
22
23
24
25

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In re: A.D. and S.T., Individually and on Behalf
of their Adopted Children, J.D. and W.D.
Deposition of S.T., taken January 12, 2016.

[illegible]

Under penalties of perjury, I declare that I have read my deposition and that it is true and correct, subject to any changes in form or substance entered here.

(Date)	S.T.
25	

\$	25;51:3,7,22;53:1,3;54:5,8, 16,19,21;55:6,24;56:4,5,7, 16,25;61:17,24,25;62:16, 22;64:16,20;65:6;67:3,24; 68:5,8,11,24;69:18;73:22; 74:17;75:1;76:23,24;80:11, 16;81:13;83:5,17;86:5; 87:19,20;88:4,12;89:12,14; 90:21;91:9,13,15,22,23; 92:17,19;93:3,8,16;94:25, 25;95:2,22;96:20;100:5,24; 102:8,20,23;103:7;104:12; 105:4,10,19,23;107:7; 110:15,16;111:17;112:3,24; 113:5,23;115:5,10,15,20,21, 22,24,25;116:4,5,10,13,15, 16;117:15;119:3;120:11, 23;121:22;122:5;123:5; 129:14,23;130:1,4;131:7, 13;134:18;135:9;136:10; 138:1;139:9;140:7;141:18; 142:2;143:6;145:12;146:1, 7,14,15;147:1;149:16,24; 150:16;151:15,18;152:5,15, 19,23;153:9;154:14,15,19; 160:6,8,12,16;161:9; 163:12;164:19;165:12; 166:2,12,17,23;167:21; 170:22;173:21,22,24;174:6, 12;175:21;179:22;182:5; 184:17;185:11;186:20; 187:11,23;190:4,8,11,18; 191:10;192:15,22;194:3; 195:10,14,18,19,21,22; 196:5,9,18;197:2,5,7,10,14, 15,22;199:3;201:13;202:6, 9,13;204:14,16,18;205:8	87:1,14;96:6;205:25 Abuse (23) 47:8;53:4;56:24;59:10; 64:5;68:10;85:22;87:20; 90:2,2;92:16;109:5,12; 175:22,25;177:8;182:4,7; 195:6,10,11;200:24;201:21 abused (15) 13:13;56:21;84:5,11; 85:12;86:5;89:2,6,12;176:5, 8,13;177:6,13;201:6 Academic (3) 172:12;173:2;189:19 academically (2) 121:11;193:19 Academy (4) 120:25;121:5;123:12; 124:3 accepted (1) 189:2 access (2) 162:10,18 accident (1) 143:12 acclamation (2) 30:23;39:23 accommodation (1) 137:20 accompanied (1) 188:19 accompany (1) 188:18 According (3) 147:23;149:21,23 ACHEM (2) 4:21,21 Acid (1) 128:20 act (3) 150:10,12,17	acted (1) 150:3 acting (2) 32:11;79:20 action (1) 145:4 activities (8) 19:22;32:4;86:8;156:23; 173:13;174:7;187:15; 190:15 acts (3) 86:24;87:13;149:24 actual (4) 40:18;52:1;106:4;121:4 actually (15) 7:6,21;15:7;16:10;17:20; 40:19;51:21;53:10;69:18; 94:18;101:10;138:24; 151:12;198:14;199:12 AD (7) 4:3;6:17;34:24;59:23; 94:16,19;206:24 adapt (1) 31:3 add (2) 180:4;202:25 addition (4) 69:24;111:8;157:17; 177:3 additional (2) 107:24;188:8 address (6) 6:24;23:18;41:14,15; 59:21;125:6 addressed (5) 23:15,17;59:13,16;109:9 addressing (1) 145:20 Adele (1) 52:17
I			
[ie (1) 90:23 [sic] (9) 59:14;72:5;82:20;90:1; 97:18;140:8;147:4;198:4; 203:23			
A			
ability (1) 200:3 able (16) 13:7;17:12;22:10;62:11; 142:12,20;145:4,22;146:6, 16;153:11;156:3,20; 162:20;163:23;178:14 about (263) 7:6,23;12:4;13:10;14:16, 19;15:9;16:5;17:1,9,10,11, 22;18:8;19:11,15;20:5,23; 21:3,8,24;22:3;23:20; 24:20;25:20;27:5;28:8,19; 31:9;32:21;33:3,20;34:8; 35:1;37:7,20;38:16,20; 40:15;41:25;42:1,9,11,21, 21;43:4,16;44:9;46:1; 47:21,22;48:3,13,20,23,24; 49:3,10,18,24;50:4,12,13,	above (3) 155:16,17,19 absolutely (4)		

adjust (2) 31:3,4	African-American (8) 110:21;112:20;113:6,8, 10,14;186:7,22	ago (10) 5:4;11:13;13:4;138:8; 142:17;143:3;145:9; 167:12;169:25;170:12	allergy (1) 194:23
adjusted (2) 34:21;35:4	after (65) 8:24;9:9;10:21;13:2; 15:19;19:4;20:9,11;24:18; 26:22;28:15;29:6;30:23; 38:14;39:14;46:3;48:11,19, 21;49:4,4,5,6;50:24;51:1,9; 52:2,21;53:10;56:22;57:10; 72:21;77:7,14,18;82:20; 86:22;92:22;94:25;101:19; 103:15;104:20;106:4,10; 107:3,8,12,20;108:3; 113:20;126:12,19,20; 131:10,10;138:7;146:24; 168:2;173:13;190:6;199:8, 13,18;203:15,16	agree (3) 69:16;80:1;179:8	allow (1) 189:3
adjusting (2) 32:6;62:20		agreeing (2) 51:17;69:21	allowed (2) 54:17;82:17
administration (1) 171:10		ahead (15) 17:4;55:14;63:15;68:1; 72:3;79:8;89:16;93:20; 96:1;112:13;147:6,16; 153:4;180:3;206:13	almost (8) 45:15;64:2,17,20;65:5; 69:1,2;153:12
adopt (12) 10:19,21;11:1,19;12:8; 13:1,11,15,22;15:8,11; 17:17		al (1) 4:4	alone (3) 71:18;73:23;93:12
adopted (17) 7:18,20,22;8:4,6,8;10:15, 20,22;11:23;25:6;27:25; 48:19,21;56:20;59:11; 60:19		alarm (3) 46:13;163:12,13	along (2) 43:9;116:8
adopting (4) 23:9,12;24:24;106:5	again (19) 18:12;71:22;76:1,2;83:5; 85:23;94:3;99:7;124:10; 150:4;154:6;179:3;182:6; 183:4;189:17;190:10; 195:25;203:12;206:11	alarming (1) 64:10	already (5) 54:4;109:23;146:20; 177:3;180:5
adoption (33) 7:8;10:11;11:17;12:9,16, 18;13:14,23;14:4,6;15:17; 22:15,24;23:6;48:23;49:4; 60:1,4;61:7,17;62:3;98:21; 104:18;105:11;106:3,4,7, 10;107:3;110:18;112:6,9,15		alarms (1) 163:19	also (20) 8:5;12:13;29:14;43:3; 51:16;58:23;59:16,19; 73:22;74:4;75:17;82:18; 85:17,17;109:12;111:13,14; 173:2;182:20;194:17
adoptive (1) 187:8	age (6) 7:23;67:20,21;69:3; 90:19,20	alcohol (3) 23:14,19,22	although (4) 94:18;110:14,15;112:3
adult (2) 7:22;162:21	ages (6) 21:25;67:6;68:5;70:5,9; 112:18	alcoholism (2) 23:17,21	always (11) 10:20;11:1;44:13;45:3; 50:4;64:24;92:8,21,22; 193:21;199:16
adults (1) 111:15	agencies (3) 12:1,16;14:11	Alexander (1) 118:21	Amanda (1) 4:10
affect (1) 200:3	agency (14) 12:5,9,18;17:17;22:21; 47:14;59:11;104:18;106:6; 110:19;112:6,9;172:2; 194:21	Alexander's (1) 118:22	American (2) 158:19,23
affecting (1) 23:23		Alexandra (1) 47:13	and/or (1) 69:11
affiliated (1) 125:2	aggressive (6) 131:16,18,19;132:4; 139:12;144:18	allegations (6) 109:4,12;111:18;175:22, 25;201:15	Andrew (1) 60:6
afford (4) 158:3;163:4,14,18		alleged (2) 195:6,11	Andrews (1) 4:10
		allergic (1) 192:19	Anger (1) 188:16
		allergies (1) 194:6	

Angie (1) 96:14	anything (29) 14:12;22:5;28:8;50:13; 54:4,10,14;57:25;68:11; 72:9;77:1;123:5,24;124:5; 133:20;147:20;152:19; 153:8;156:18;159:13; 162:19;169:1;172:2;180:4; 186:19;194:13,15;199:3; 202:17	April (26) 20:13,16;21:2;26:14; 28:1;30:8,9,11,14,16,24; 31:10;48:23;49:5;90:14; 91:3,3;107:13,22;115:16; 126:10,12,17;138:8;145:8, 11	152:15;176:16;185:18; 188:2
angry (1) 188:16			assertion (1) 112:21
animals (2) 140:22;163:22			assertions (3) 89:5,8;201:5
Annette (14) 66:12,21;67:7,11,21;68:6, 25;70:6;75:6;82:24;110:14; 195:8,12,20		architect (1) 9:25	assessment (12) 62:2;78:12;109:22;110:5, 8;153:18;160:16;161:3; 166:16;167:3;175:12; 178:25
annual (1) 174:10	Anytime (3) 6:1;66:2;206:19	areas (2) 15:3;192:15	Assessments (1) 173:17
another (12) 19:8;43:20;76:8;88:2; 92:14;104:11;109:22; 111:12,18;129:6;132:7; 172:11	anyway (5) 6:4;127:15;140:14; 169:21;170:12	aren't (2) 171:18;195:4	assigned (1) 46:23
answer (24) 5:11,14,16,18,20,21,24; 16:11;29:12;67:19;68:1,20; 72:3;79:5,8;93:20;111:22; 112:13;141:17;147:6; 150:8;161:17;171:1;184:21	anyways (5) 54:22;61:18;125:11; 194:7;195:25	arm (2) 131:24;143:10	assignment (1) 43:11
answered (4) 93:19;146:13,20;180:1	anywhere (1) 132:20	Around (21) 26:15;27:12,19;53:14; 59:7;73:11;74:24;88:16; 120:2;130:9;137:18;164:9; 165:25;170:2;177:23; 178:8,11,16;184:7;193:5; 199:6	assistance (6) 24:22,25;25:4,8;26:6; 135:21
anticipated (1) 107:2	apologize (1) 104:17	arms (1) 131:24	assistant (1) 174:24
Anticipated (1) 155:15	Apparently (1) 70:10	arranged (2) 22:19;105:6	assisting (1) 156:21
anus (1) 54:16	appears (2) 59:1;128:11	arrived (2) 176:2;177:9	assists (1) 121:1
Anybody (3) 36:12,13;148:8	application (1) 60:12	articulate (1) 80:9	associated (1) 164:11
anymore (1) 202:7	apply (1) 188:25	Aside (1) 136:14	Association (4) 4:20,22;5:6;47:6
anyone (2) 41:7;81:12	appointed (1) 98:19	asked (14) 13:10;14:7;17:6;88:18; 93:18;94:2;104:3,16; 119:14;141:18;146:12; 167:12;179:25;181:7	assume (4) 5:12,17;26:20;60:22
anyplace (5) 19:18;66:7;127:3;152:9; 201:6	appropriate (3) 170:19;200:11;203:20		attached (3) 58:25;76:7,9
	appropriately (3) 177:24;178:2;192:10		attachment (1) 3:12
	approved (1) 26:3		attempt (1) 179:23
	Approximately (8) 7:2,5,11;9:18;119:2; 123:15;131:11;206:10	asking (11) 19:14;36:17;40:2;95:21; 104:3;113:21;136:19;	attempting (1) 178:10

attempts (2) 177:22;178:7	172:9;176:6,11;181:4; 185:18;194:13,15;195:6,10, 14;200:23;205:1	Ballet (1) 122:13	203:5,12
attend (3) 121:4;157:6;193:13	away (5) 33:18,19;41:20;150:24; 200:17	based (9) 5:16;110:17;112:5; 141:15;160:19;192:2; 193:5;201:15;202:20	bedrooms (2) 31:22;32:17
attended (4) 9:8;32:13;40:8;193:3	awful (1) 50:6	basically (1) 80:23	bedtime (1) 53:14
attending (1) 22:3	B	basis (4) 28:5;62:2;121:9,18	been (70) 4:24;9:17;10:4;11:12,24; 17:16;20:13;26:24;30:3,8; 36:25;38:3;39:4;45:23; 56:21;61:2;66:2;69:22; 71:17;72:25;80:6;92:10; 103:15,19;107:21;110:5; 111:25;115:19;118:18; 123:2,13;125:10;127:19,22; 129:5;135:7;140:15,16; 149:24;150:10;151:2,23; 153:12;160:20,23;165:23; 167:8,19,21;168:25;169:1, 10,25;170:2,9;187:18,19; 190:7,13;191:23;192:13; 193:15,21;194:17;195:22; 198:23;201:6;202:3,5; 203:6
attends (1) 120:24		bathroom (3) 203:5;204:4,10	before (69) 6:6;7:3;9:19;11:14; 16:23;17:20;19:9;20:22; 21:1;22:11;24:17;28:12,17, 21;31:12,19,20;36:23; 37:10;38:5,15;39:1;52:15, 23;53:17;63:15;65:2;67:19; 68:20;72:21,23;80:5,11; 81:2,3;99:5,13;100:3; 102:10;103:13;104:4; 106:15;111:17;118:20; 119:3,4,14,15,16;120:3,13; 126:6;127:18;130:17; 139:9;147:20;154:5,17; 174:21;178:9,14;182:5; 185:5;188:21;191:5; 198:14;200:24;201:1;
attention (2) 156:8;176:20	baby (15) 79:9,16,21;90:20;114:5; 117:5,12;163:17;198:5,6,7; 199:4,11;200:1,10	bearing (1) 60:11	
attention-getting (1) 185:3	baby' (1) 111:7	beat (3) 49:24,25;111:5	
attorney (1) 60:1	back (72) 17:23;19:4;20:12,15,19; 21:2,15;22:12;24:18;26:11, 13,17,22;27:2;28:1;30:7,24; 31:10,17,18;35:18;37:15; 38:15;39:14,17;40:8;44:14; 45:10;48:22;63:21,25; 64:16;73:4,5;82:9,20; 84:24;85:2;89:22;102:10; 106:24;108:19;109:25; 111:21;112:2;130:15; 133:1;136:1,6;149:13; 151:6;164:4;168:14;169:3; 170:6,18;171:3,5;175:8; 187:21;189:13;191:19; 197:10,13,17,20;198:1,3, 14;199:14,18;205:9	beaten (1) 50:17	
attorney-client (2) 28:5;170:25		Beau (2) 169:18,19	
attorneys (3) 28:16;29:13;58:6		became (5) 9:7;56:22;57:10;67:7; 107:3	
attributed (3) 151:2,5,23		because (24) 12:6;17:8;34:20;41:19; 56:4;65:6;72:19;73:24; 88:18;95:17;117:7;126:23; 130:13;135:8;137:20; 143:9,24;148:18;186:21,21; 190:1;196:8;199:17;202:10	
audio (1) 162:24		become (8) 9:3;60:12;66:17;78:17, 22,24;150:17;154:9	
August (5) 6:9;48:24;49:5,6;205:11		becoming (1) 144:25	
aunts (1) 62:8	background (2) 157:20;158:2	bed (12) 51:9,10;53:7,10,16,17,22; 61:12;83:22;127:18; 163:12,13	
author (1) 78:13	bad (3) 44:13,15;144:19	bedroom (2)	
Authority (1) 71:5	bah (2) 198:7,7		
available (7) 14:4,6;15:17;45:25; 110:16;112:4;162:21			
aware (29) 61:24;66:14,17;71:24; 72:11,20;75:10,16;78:24; 89:1,3,5;106:18;134:11; 139:18;154:18;157:23;			

204:15	203:19	54:22;55:1	blankets (2)
began (3)	being (67)	benefits (3)	83:16,19
56:23;57:11;206:24	4:8;31:4,4,5;47:14,23;	159:15,21,22	bled (2)
begging (1)	48:20;50:15;59:7;65:18;	beside (1)	46:18;69:12
83:6	69:10,19;70:12;71:18;72:5;	131:19	bleed (2)
begin (1)	74:17;82:19;83:5,18;84:1;	besides (1)	46:7,15
178:1	86:5;89:2,6,12;90:2,23;	42:19	blew (1)
beginning (19)	101:5;108:25;109:9;	best (5)	97:5
11:22;21:5;31:11;37:16;	110:21;112:20;113:5,9,13;	13:4;17:4;27:8;94:19;	blocks (2)
41:13;44:17;63:22;89:24;	117:11,11;131:15,15;	109:23	7:11;41:20
95:9;108:20;136:7;155:2;	148:15;151:15,16;152:23,	Beth (1)	board (1)
164:5;171:3,5;178:5;	24,25;156:11;171:14,16,19,	123:17	69:19
187:21;191:20;205:21	20;177:6;178:15;181:3;	better (10)	boards (3)
begins (24)	186:5,7,20,24;187:3,5;	26:12;111:10;114:16,23;	50:1,17;69:12
60:9;64:2;71:13;73:7;	194:15;196:21;197:5,7;	144:12,22,24;145:1;162:2;	bodies (1)
74:20;77:7,14;78:1;82:4;	198:2;199:10;200:7,12;	192:11	50:16
85:5;97:11;100:20;110:12;	201:12	between (4)	body (1)
149:15,21;154:2,25;155:18;	believe (58)	5:24;29:13;131:15;	50:2
175:14;180:17,22;181:21;	12:24;13:10;15:24;16:2,	158:11	bond (2)
182:1,17	9,18;17:7,8;19:25;20:3,16;	beyond (2)	156:2,16
begun (1)	23:3;24:9,14;25:21,23;	133:15,16	bonded (2)
103:16	27:14;29:18,25;39:6;46:3;	big (1)	61:20;62:1
behavior (21)	48:4,5;50:10;64:12;71:1;	176:24	bonding (1)
42:18;44:3;45:11;46:2;	75:15,25;84:2,9,11,13;	bigger (1)	62:4
48:10;74:20;121:10;132:7;	85:17;94:2;112:23;118:17;	43:2	bono (1)
135:23;139:13;143:7;	119:19;120:4;122:17;	Bill (5)	60:3
144:3,4,8,22,25;145:17;	123:4;141:18;148:3;	93:8,16;198:4;201:5,15	book (1)
146:17,23;154:12;185:3	158:19,23;159:16,21;	biological (8)	162:16
behavioral (10)	161:14;165:18;167:23;	6:20;8:3,10,11;10:11,13,	books (3)
13:12;40:15,19,22,24;	169:11;174:16,17;178:4,21;	23;66:11	157:6,14;200:18
41:6,22;42:3;44:6;45:1	189:25;190:6;195:3;201:11	biracial (4)	born (3)
behaviors (31)	believed (3)	15:13,16;34:22,23	6:12;7:14;205:11
44:4;48:1;63:5;100:5,24;	84:4;85:10,12	birth (4)	Both (29)
103:7;104:13;131:4,13,14,	bell (1)	6:8;21:23;23:10;60:11	10:20;45:21;61:22;62:20,
16,17;139:10;140:8,25;	30:10	bit (4)	20;64:3,5,11,17,21;69:10,
144:18,19;145:20;146:25;	bells (1)	21:11,24;31:1;185:15	17,22;70:1;74:6;77:11;
150:18;152:7;157:1,2;	46:13	black (14)	78:2;86:5;94:20;100:14;
179:20;182:21,25;183:9;	belt (1)	15:16;75:6,11,17;111:9;	109:1;114:9,13,18;115:1,9;
184:9;185:9;202:24;203:1	116:24	114:14,22;186:24,25;187:3,	129:2;159:15;180:22
behind (1)	bending (2)	4,8,10,17	bottom (15)

64:2;71:10,11;75:25; 85:3,4;97:10,13;100:19; 153:25;154:1;155:14,17; 177:20;184:1	Brenda (16) 20:4;100:22;101:3,5,5,8, 13,14;103:6,10,22;195:20; 196:18,22;198:23,25	business (1) 98:20	camera (1) 4:10
Bouffard (11) 128:2,14,18;129:1,3; 147:4,9,11;148:1,7,14	briefly (1) 189:25	Butler (2) 90:6,8	Cameron (15) 30:9,18,19;38:25;39:5,6, 8,11,19;40:4,6,7,24;41:5,8
Bouffard's (1) 127:9	bringing (2) 40:16,17	Butler's (1) 90:1	Can (82) 10:18;13:4,16;17:4; 20:25;28:7;31:1;32:8; 33:11;35:22;36:12;44:5; 55:8;59:6;68:1;76:9;77:6, 15;79:5,8;80:25;93:20; 96:3,3;97:8;107:11;108:7, 13;109:8;112:13;116:14; 118:24;119:24;127:15; 130:23;133:21;134:13; 135:5;137:5;141:3,9,12; 142:6;144:14;145:25; 146:11;147:6;148:16; 150:2,8,19,20;151:21,21; 152:9;155:24,25;156:14; 158:12;161:23;162:1,2,13; 163:3;164:15;165:19; 166:22;174:25;176:10; 177:23;179:4;180:2,3; 182:22;184:21;185:15; 191:5;198:13;203:10; 204:6;205:18;206:17
bought (1) 115:17	British (17) 6:23;9:16,23;15:8,10; 19:5,9;20:12;21:2,22;12; 24:18;26:8;27:19;138:25; 139:7;159:8,10	buy (2) 157:13;159:23	Canada (23) 6:13,23;15:6,8,9;26:13, 17;30:7;60:13,15,25;72:22; 158:10;159:11;198:5,15; 199:8,14,18;200:4,24; 201:1,23
Boxer (1) 165:5		C	
Boy (10) 31:23;54:7;90:24;92:20, 24;93:6,8,12,16,23	broach (1) 188:5	cabinets (1) 111:4	Canadian (6) 60:22;158:8,11,15,24; 171:22
Boys (2) 4:19,21	broke (1) 44:23	calendar (2) 28:25;148:13	cans (1) 111:11
Boys' (1) 5:5	broken (3) 164:14,16,19	calendar-type (1) 29:5	can't (47) 11:15;16:11;17:23;18:22,
Bradley (17) 46:24;52:16;56:13;90:4, 9;91:5,13;115:16;125:15; 126:8,9,11,12,21;145:8; 146:4,24	brother (1) 41:21	call (14) 13:18;16:1,1,2,17;45:14; 57:4;100:11,21;101:24; 104:8;183:21;196:8;204:1	
Bradley's (1) 90:14	brought (9) 22:11;43:22;58:10;66:1; 79:9;90:18;115:9,14; 130:18	called (19) 47:8,12;73:20;74:17; 92:7;102:1,3;104:2;114:4; 117:4,11,12;127:14;186:17; 188:11;196:13,16,17;201:8	
branch (1) 139:3	brown (1) 187:18	calling (7) 62:5;73:12;104:12;111:7; 170:24;203:4;204:10	
breaches (1) 10:4	Bubba (1) 190:21	calls (3) 47:13;189:6,12	
break (20) 6:2;31:8;37:14;63:20; 89:21;96:10;108:3,5,9,11, 14,18;136:5;162:3;164:3, 13;175:7;189:10,11;191:18	B-U-F-F-A-R-D (1) 147:4	calm (6) 128:22;131:15,18,19; 132:5;139:12	
breakage (1) 164:11	building (1) 40:21	came (23) 7:4;8:1;17:11;18:5,6,7; 19:9;20:11,15;28:1;35:18; 39:3,6;72:22;75:14;117:18, 21;176:24;192:16;197:19; 198:5;201:23;203:16	
breaks (1) 6:4	bullet (6) 84:19;86:9,13,22;87:7; 186:1		
	bullets (4) 77:18,20;86:15,17		
	bunions (1) 194:4		

24;24:19;27:22;32:8;36:13; 44:7;80:16;113:4;114:1; 115:20;119:9;120:10; 129:13;131:2;132:3,7; 134:11;141:14;142:11,19; 143:5,16,24,24;144:5,5,15; 145:14;146:10;148:11; 160:6;161:17;164:18; 165:2;169:18;170:3; 179:16,19;180:4;181:9; 185:4,4;186:17	Cathy (8) 66:13;102:20;115:6; 195:20;196:5,12,14,16 Cathy's (1) 195:23 caught (3) 46:17;82:15;181:3 cause (1) 64:4 causes (1) 201:21 center (2) 20:1;172:11 Centre (16) 3:16,19;46:21,25;47:6, 11;48:3;52:7,17,18;89:11; 125:23;126:9,11,23;145:21 ceremonies (1) 111:12 certain (4) 100:24;103:7;136:23,24 certainly (18) 18:23;40:20;42:23;45:2, 13;77:2;94:22;97:6;100:7; 135:17;156:22;157:25; 163:6;179:5;199:9,22; 202:14,25 Certificate (2) 3:5,6 certificates (1) 60:11 cetera (3) 98:21;100:6;157:14 chain (5) 95:5,10,15,22;96:9 change (6) 7:23;37:10;63:15;89:17; 135:25;191:15 changed (5) 9:6;78:18,23;154:10;	202:4 changing (5) 78:25;80:6,13;81:7,13 check (2) 105:7;195:2 checks (1) 129:21 checkup (1) 106:21 cheek (2) 176:3;177:11 child (16) 8:8;14:17;23:9,23;25:13, 17;43:20;46:15;49:10;72:4; 111:18;114:18;149:10; 156:8,9;158:2 children (129) 6:20;8:6,10;10:12,14,15, 19,23,23,25;11:4,19;12:8; 13:1,11,11,13,22;14:3,6,17; 15:3,8,12,13,16;16:20,20, 24;17:9,10,13,18;18:1,6,19, 23;19:6,18;20:10,23;21:3,7, 8;22:12;23:9,10,13;24:17, 25;25:6;27:10;28:1,14,20; 29:16;34:13;35:9,17;36:3; 38:16;40:11;44:22;48:13, 17;54:17;55:13;56:2,3,20; 59:12;61:2;62:4,21;64:21; 65:5,6;68:12;70:5;72:18, 21;73:13;74:13;75:17; 77:24;82:5,13,16;83:2,14, 15;85:10;86:2,3;88:2,8,11; 92:7,10;98:20;99:20; 101:23;102:10;103:16; 104:13,20;105:22;106:15, 20;107:8,12,19;110:25; 111:5,8;113:1,8;114:3,22; 115:1,5;117:3;138:6,11; 187:17,18;198:11,16;	201:11 children's (4) 21:23;99:18;181:2,11 Choice (6) 4:11,13;14:25;15:19; 104:18;105:17 Choices (34) 12:11,12,18;13:21;14:8, 14,16;15:21,22,24;16:1,18; 17:7,8;20:19,23;21:3,6,19, 21;22:18,21;28:23;29:14, 17,19,23;72:17;105:5,6; 106:25;107:1,5;201:2 choir (1) 197:1 choking (1) 45:14 chore (1) 174:19 chores (4) 173:13,19,23;174:4 Christian (3) 120:25;121:5;157:3 Christmas (4) 170:13;189:22;190:5,7 church (2) 196:22;197:1 circumstances (4) 59:7;88:15;137:1;184:14 citizens (1) 60:22 citizenship (1) 60:14 city (1) 139:8 clad (1) 73:11 claim (1) 43:22 claims (3)
--	---	--	---

182:4,7,11	83:18	106:19	concluded (1)
class (1)	Cole (1)	communicate (3)	206:7
44:22	4:8	17:12;199:14,16	conduct (5)
classes (6)	college (2)	communicated (1)	178:15;179:1,11,13,22
13:14;62:21;121:4,7,7;	37:6;157:22	79:14	conferences (1)
122:8	color (6)	communicating (1)	189:5
classroom (1)	73:20;74:4,10,15,18;	79:13	confidential (1)
187:15	186:8	communication (8)	165:18
cleaning (1)	Columbia (17)	15:23;16:19,23;105:13;	confirm (2)
174:19	6:23;9:16,23;15:8,10;	106:5;107:1;170:25;189:11	93:3;128:9
clearer (3)	19:5,9;20:12;21:2,22:12;	communications (9)	confirmed (4)
78:17,22;154:9	24:18;26:8;27:19;138:25;	16:9,15;17:7;29:13;	90:24;92:18,21;93:8
client (1)	139:7;159:8,10	104:21,25;105:14,24;107:5	confirming (1)
29:12	combination (2)	community (2)	93:15
clinic (4)	23:2;200:1	121:6,7	confusion (1)
125:2;148:18;149:1,3	come (22)	complained (3)	80:19
C-L-O (1)	8:2;13:17,19;17:23;26:4,	83:17;197:5;201:12	connecting (2)
128:16	11;68:18;70:4,6;72:11;	complete (2)	155:2,8
Clonidine (3)	105:6;125:12;136:16;	12:6;133:7	conscious (2)
128:16,21;129:3	168:14;173:10;176:19;	completed (2)	186:24;187:3
close (5)	187:4;189:16,22,23,25;	28:9;38:24	consider (2)
132:8,25;134:10;174:23;	198:11	complex (2)	7:24;177:7
204:24	comes (5)	175:17;182:1	considered (1)
closed (2)	141:1;144:4;176:14;	composing (1)	12:7
111:17;201:8	202:10,14	94:20	constant (4)
cloth (2)	coming (9)	Composite (1)	142:22;144:10;203:4,23
176:3;177:11	29:4;57:9;155:6;169:3;	58:9	consultation (1)
clothes (3)	177:5;189:4;200:24;201:1;	computer (8)	147:19
54:6;86:7,12	205:14	97:4,5;135:11;161:21;	contact (12)
clothing (1)	comment (4)	162:5,6,9,20	13:18,20;16:5,5;17:18,
111:1	53:21;113:4;151:18;	computers (1)	19:47;13;98:18;104:17;
coach (4)	198:25	162:10	171:6,8,12
133:23;134:1,1;204:24	commentated (1)	concern (2)	contacted (5)
coach's (1)	150:16	48:14;203:2	15:24;28:12,21;29:6;
205:2	commented (2)	concerned (2)	47:12
Coat (2)	195:23;197:4	45:16;61:15	contacting (1)
164:17;185:4	comments (6)	concerning (1)	28:15
cocaine (1)	74:17;92:17;93:2;116:16;	202:4	contacts (2)
24:8	117:18;195:21	concerns (4)	98:16;189:14
cold (1)	commitment (1)	46:1,4;100:23;103:6	contain (2)

14:19;201:5 contained (3) 14:22;21:23;77:20 contains (1) 14:20 content (2) 28:8;97:7 CONTENTS (1) 3:1 contest (1) 6:1 context (5) 67:14;74:15,24;77:1;98:6 continue (9) 44:24;140:24;155:12; 156:7;191:9;192:18,20; 199:7;205:19 continued (1) 155:7 continues (4) 60:24;62:15;150:25; 182:3 continuing (1) 106:5 contract (1) 29:18 control (19) 78:18;87:1,15;145:5; 154:10;161:20;162:9,14; 177:22;178:8,10,16,25; 179:11,12,18,23;180:6; 184:6 controlling (4) 178:22;179:6,18,18 conversation (35) 50:7,14,19,20,22;51:1,12, 18,22;52:2,4;53:2;54:20; 65:10;77:11;81:6;86:23; 87:12,17,18,19,23;93:4; 103:9,15,21;104:1,15;	113:20,22;114:2,19;130:7, 8;180:14 conversations (10) 50:11;52:14;53:2;55:10, 24;56:9;103:10,12,15;174:5 coping (1) 121:10 copy (4) 58:14,16;128:1;174:25 correct (31) 7:18,19;22:15;26:18; 29:8;30:22;33:2;34:7,25; 47:24;60:20,23;70:19; 85:11;86:2;88:9;95:22; 101:17,18;103:19;121:14; 137:2;139:1;142:5;158:9; 164:9;172:16,21;173:3,8; 193:1 correctly (34) 8:5;64:7,14;69:13;70:2, 14;71:20;73:14;74:1;77:12; 78:3,20;82:7,22;83:9,19; 85:7;87:2,15;88:5;91:1; 92:25;97:19,23;98:1;99:6; 101:1;111:19,23;136:18; 149:25;178:3;184:11;186:9 correspondence (3) 97:6,7,8 cost (6) 157:3,5,6;158:4;159:2; 172:5 couch (1) 203:8 could (31) 5:20,21;6:8;12:6,8;13:1; 61:7;66:2,5;69:22;72:9; 81:15;89:4;104:8,11; 114:19;115:19;116:4; 132:20;133:4;147:7;158:3; 167:13,23;175:11;187:18,	19;199:2,10,11,16 couldn't (7) 10:14;132:20;139:19; 163:4,14,18;199:14 Counsel (1) 4:15 counseling (20) 46:3,19;47:17,24;48:3,9; 52:10,15,24;99:5,13,16,22, 23;100:1,3,7,8,12,16 counselor (2) 52:10;108:25 counted (1) 139:16 couple (12) 41:20;48:4;49:9;105:16; 111:25;130:23;137:3,5; 150:20;158:6;185:10; 201:19 course (6) 14:10;22:15;23:12;72:17; 134:13;192:4 courses (4) 22:19,22,23;23:4 court (1) 4:12 cousins (2) 62:10,14 cover (1) 159:21 covered (5) 159:9,11;195:1,4;202:23 covert (4) 182:21,25;183:8;184:9 cream (1) 102:18 created (1) 88:20 cricket (3) 124:8,13,15	cried (1) 44:11 cruel (1) 70:11 crumbs (1) 111:3 cry (1) 44:20 Crystal (8) 59:16;76:1;94:12;97:11, 17,24;98:3;100:21 Crystal's (1) 98:12 curious (4) 10:10;12:4;106:3;179:21 currency (1) 158:14 Current (7) 128:6;130:15;133:18; 135:6;141:17;167:13; 198:22 currently (7) 36:17,19;123:17;135:2; 162:20;175:15,17 curricular (1) 174:6 cut (1) 159:19
D			
			dad (1) 188:4 daddy (2) 27:21;62:6 daily (5) 64:3,17,20;65:5;204:13 damaged (1) 164:20 Dana (5)

92:6,8,21,22;102:8	33:13	degree (3)	desk (1)
Dana's (6)	day (27)	9:5,7,10	43:12
90:22,25;91:10;92:16,18;	18:9,24;19:17;26:21;	demographic (1)	detail (6)
93:3	27:10,15;44:13,15,15;	187:13	87:20;162:1;182:10;
D-A-N-A's (1)	45:13;73:11;83:6;120:15,	demonstrate (2)	184:17;199:6;201:9
90:22	19;128:15,17;134:25;	86:24;87:13	details (7)
dance (9)	135:14;136:16;139:21;	demonstrated (5)	28:4;77:10;85:25;86:6,
122:5,5,6,9,10,11;123:2;	161:18;173:12;174:24;	86:6,12,13,14,16	12;141:18;166:17
124:2,6	177:2;185:3;194:25;204:15	Denice (1)	determine (1)
dances (2)	days (13)	4:13	10:3
122:12,16	29:16;105:17;136:24,24;	denied (1)	determined (1)
Danielle (4)	137:3,5,6,8,9,20,24;138:4,	110:21	64:3
119:4,4,6,16	10	deny (1)	detriment (1)
dark (9)	dealt (1)	43:21	182:20
73:9,20;74:4,7,15;82:21;	146:22	denying (1)	develop (3)
83:12;117:8;130:14	dearly (1)	181:2	42:2,8,13
dark' (1)	61:20	department (1)	developed (1)
73:25	deceiving (3)	139:2	44:1
darker-skinned (1)	182:22;183:2,9	depending (1)	diaries (1)
113:10	decided (1)	136:25	28:4
data (2)	9:6	Depends (8)	diary (2)
10:6,7	decision (1)	121:10,19;134:25;	28:13;29:7
date (8)	11:18	135:16,16;158:14;167:25;	didn't (43)
4:5;6:8;98:4;103:14;	decorated (1)	168:10	8:2;14:10;16:1;22:20;
110:9;126:17;147:18;	31:22	DEPOSITION (9)	25:3;30:11;38:25;41:1;
155:15	decreased (3)	3:3;4:7;6:5;58:1,15;	43:11;44:23;45:3;50:4;
dated (6)	132:12,13;142:14	128:4;206:6,7,24	57:8;68:11;70:6;79:3;
56:16;76:8;78:12;149:15;	decreasing (1)	Describe (5)	80:21;83:22;84:18,20;
175:12;181:16	142:22	11:17;80:3;140:19;	97:18,22,23,25;113:19;
dates (2)	DEFENDANT'S (13)	151:16;152:24	115:24;116:8;130:14;
147:19;170:11	3:8;57:18;58:11,19;71:7;	described (12)	146:18;153:8;154:22;
daughter (1)	75:22;78:7;90:10;94:14;	55:5;57:7;72:4;73:19;	157:9;159:19;176:14,17,23;
116:7	109:19;126:14;153:22;	74:12;77:11;80:22;114:11;	179:4;187:2;195:15;
daughter's (2)	181:17	150:13,18,21;186:12	197:18;199:21;200:14;
116:13;197:8	defer (2)	describes (1)	201:9
David (15)	108:8;201:25	89:11	difference (3)
30:9,18,19;33:8;38:25;	defined (1)	describing (2)	145:15,16;158:11
39:4,5,11,19;40:3,6,7,24;	169:1	53:20;80:1	different (8)
41:5,8	definitely (2)	designed (2)	15:3;22:21;86:7;122:8,
David's (1)	85:12;205:2	128:24;178:15	16,17;131:16;139:10

differently (2) 186:6,20	discuss (1) 109:15	doesn't (11) 14:11;129:22;133:25; 134:3,5;143:10;144:8; 146:2;147:18;191:6;200:19	60:7;61:11;63:14,15;65:3; 66:2,8;69:22,23;70:9,21; 75:7,9;76:20;80:2,2;81:15; 87:25;88:19;89:16;91:7; 93:15;94:2;97:2,4,5;98:4, 10,16;100:11,18;101:23; 103:18;104:6,15;106:14,22; 107:7,24;109:3,7,15; 116:23;117:2,14;127:12,12; 128:23;129:18;130:8; 132:22;135:25;139:22; 140:5;146:25;147:20,21; 149:3;150:9;151:7;152:18; 153:14;156:8;158:10; 159:5,20;160:11,14;161:6, 7,12,14;163:10;164:13; 166:11,16,21;167:11; 168:12,13;169:7;171:8,18; 172:1,3;173:5,21;174:4,16, 23;176:21,24;177:4;180:5, 14;182:11;183:5;184:21; 186:14,23,23,25;187:5,12, 13,20;188:24;189:3,20; 192:20;194:20;195:2,4; 196:7;197:15;199:5,25; 200:21;201:18;202:6,16,21, 22,23;205:7,17;206:21
difficulties (1) 64:4	discussed (4) 109:12;168:16,18,25	dog (10) 31:21;32:16;128:16; 131:22;139:12,14,18;165:4; 183:16,18	
difficulty (2) 43:1;62:20	discussing (2) 68:10;203:16	dog's (1) 203:6	
dildo (1) 111:14	discussion (9) 81:12;87:23;92:4;115:8, 14,21;202:9,13,13	doing (24) 10:6;27:10;48:17;76:12; 82:15;104:5;106:23; 121:11;122:11;123:24; 133:4;135:10;156:3; 158:14;168:24;174:13; 191:8;193:19;198:21; 199:24;203:5,12;204:11,12	
dining (1) 50:23	discussions (15) 52:22;57:4,6;64:3,17,21; 65:5,20;66:1;77:23;105:10, 23;109:16;151:17;202:6	Dolan (1) 34:14	
Direct (5) 3:4;5:2;88:5;106:25; 110:2	disguised (1) 143:11	doll (2) 91:11,24	
directed (1) 156:19	disgusting' (1) 92:19	dollar (7) 158:11,12,15,16,19,23,24	
direction (2) 12:20,22	disregulated (3) 144:5,7,25	dollars (1) 158:8	
directions (3) 43:1,10;134:1	dissect (1) 84:21	dolls (1) 90:18	door (2) 15:15;140:21
directly (2) 126:5;159:21	distance (1) 205:8	done (11) 12:14,25;23:25;39:13; 53:20;123:19;176:20; 179:6;191:2;198:12,16	dose (2) 127:17,18
disabilities (1) 14:23	distressed (1) 154:15	dollars (1) 158:8	dot (3) 90:23,23,23
disagree (2) 154:23;178:24	divide (1) 156:8	dolls (1) 90:18	down (23) 16:21;31:8;62:15;71:10; 85:3;87:8;90:25;93:9; 100:19;110:11;112:23; 128:22;149:19;153:25; 154:24;162:3;167:19; 175:19,20;182:13;194:24;
disappeared (1) 202:7	doctor (2) 106:21;129:6	don't (163) 5:7,14,15,18,20;6:21; 10:9;13:3,19;15:23;16:8; 18:20;19:7;24:9;26:3;27:3, 14;28:23;29:19;30:1,15; 32:9;35:6,22;36:20;41:7; 44:2;46:12;51:20;52:4,12; 53:13;55:15;56:1;58:8,24;	
Discharge (9) 3:13,19;58:2;71:4;89:11; 126:12,17;178:18;184:16	document (2) 109:24;150:5		
discharged (2) 126:25;146:24	documentation (23) 17:9,10;21:6,19,20;22:7; 24:9;67:16;68:2;72:16,20, 22,25;75:8;92:11;107:9,14, 25;112:14;147:15;195:16; 201:2,19		
discipline (2) 44:16;109:9	documents (4) 28:22;161:6;205:24; 206:2		
disclosed (3) 53:4;59:9;116:11			
disclosure (3) 65:17;90:17;116:19			
discovery (1) 160:24			

195:1;203:17 down] (1) 90:23 downs (4) 61:1,4,6,16 Dr (25) 3:10;56:15;127:9;128:2, 14,18;129:1,3,9,17,23,24; 147:4,9;148:1,7,7,11,14; 149:3,5,8,14;150:25 dress (2) 111:13,14 dressed (1) 54:7 drink (2) 54:9;198:8 drinking (1) 82:18 drive (1) 137:14 driving (1) 188:10 dropped (1) 188:22 drops (2) 175:19,20 drug (3) 23:14,18,23 D's (1) 35:4 D-T (1) 78:15 due (4) 111:17;186:6,8;201:11 duly (1) 4:24 Dunn (3) 34:5;35:1,8 D-U-N-N (1) 34:6	duration (2) 44:8;200:1 during (36) 27:4,10;38:14;44:24; 45:8,22;61:2;65:21,23; 69:3;77:5;79:19;86:23; 87:11;96:10;120:19; 135:14;138:7;145:17,23,24; 146:3,17;147:3,8;148:4; 151:17;173:3;190:8,9; 191:23;198:15;199:24; 201:22;202:2;204:5 dust (1) 194:6	eats (1) 163:16 Edna (2) 32:25;33:1 educated (1) 157:22 education (12) 7:13;8:25;9:4;13:14; 22:15,24;23:5,8;61:7,17; 62:3;121:3 educational (2) 23:20;157:19 effect (2) 115:4;188:12 effort (1) 193:24 efforts (3) 155:25;156:3,14 eight (14) 8:6;131:23;140:8,15,16; 141:2,19,23,25;142:5,9; 165:11,25;166:3 eighth (1) 62:16 either (24) 21:3;39:20;40:24;52:6,9, 15,15;102:23;103:1;107:5; 114:3,13;115:1;123:18,23, 23;145:25;180:25;189:2; 195:24;198:10;200:19,23; 201:5 Ella (1) 123:1 else (18) 20:5,8;22:5;36:12;50:13; 53:25;54:10,14;63:2;124:5; 133:20;148:8;156:18; 180:4;194:14,15;201:16; 202:17 Email (37)	3:12,14,17;58:23,24;59:3, 7,21;75:5,24;76:7,12,15; 84:24;85:10,13;88:3,8; 94:11,11,18,21,23;95:1,2, 19;96:13,15,18;97:6,8,10; 100:20,20;103:14,20;151:6 emailed (2) 64:18;99:1 emails (8) 95:20;96:20,22,23; 104:23;117:7;150:15; 151:10 emerge (2) 56:23;57:11 emotional (3) 13:12;61:23;177:25 employed (3) 9:15,17;138:24 employers (2) 159:23,25 encountered (6) 40:16,21;44:6;48:14; 53:5;63:5 encourage (1) 70:11 encouraged (1) 111:4 end (11) 31:10;37:12;58:14;63:18; 89:19;136:3,16;164:1; 171:4;191:17;206:5 ended (5) 47:14;171:4;177:1;204:7; 206:17 ending (1) 206:15 endurance (1) 6:1 energy (1) 156:9
	E		
	each (5) 11:13;18:23;22:1;48:4; 84:18 ear (1) 65:18 earlier (5) 62:22;79:25;108:24; 113:7;153:19 early (11) 31:14,15;42:10;43:25; 79:10;92:23;93:5,12,22; 156:15;186:6 ease (1) 110:2 Easter (2) 170:2,4 easy (1) 140:12 eat (7) 50:5,18;54:9;180:9,12; 195:24,25 eating (3) 43:20;163:20,21		

engage (1) 111:12	Errata (1) 3:7	101:19;102:7,20;103:2; 115:5,10,14,22,25;133:6;	8:13
engaged (1) 154:11	E-S (1) 59:17	150:12;151:4;179:13;	exceptionized (1) 203:1
engineer (2) 9:8,11	escalating (1) 74:21	180:7,11;182:24;184:13,25; 186:11,19;187:14;191:24;	exchanged (1) 96:23
enjoy (1) 123:24	escalation (1) 75:4	198:12,16;199:13	excited (5) 32:14,15;41:18;60:10; 204:22
enough (4) 46:13;50:18;176:15; 204:16	establish (1) 155:3	every (14) 26:21;27:15;29:16;62:7; 83:6;84:20;105:17;130:22;	excitement (1) 205:4
ensure (2) 10:6;12:25	established (2) 56:22;57:10	142:5;158:6;161:18;177:2; 195:21;204:15	exercises (2) 162:14,14
entire (4) 95:22;190:16;199:25; 201:22	establishing (1) 155:8	everybody (1) 161:18	EXHIBIT (37) 3:8;56:15;57:14,16,18; 58:9,11,19,22;71:3,7;75:21, 22;78:6,7;82:1;84:24,25; 85:3;90:3,10;94:10,14; 109:19;110:5,7;126:14; 128:4;132:1;153:17,18,22; 174:22;175:11;181:14,17; 187:25
entities (1) 26:7	estimate (1) 167:23	everything (11) 13:8;16:23;18:12;19:15; 49:23;58:9;61:14;84:16; 85:10;88:3;134:12	exhibited (2) 100:24;103:7
entitled (1) 92:16	et (4) 4:4;98:21;100:6;157:14	evidence (1) 85:15	exhibits (1) 166:25
entity (1) 126:2	ethnicity (1) 187:11	evident (2) 85:7,15	expect (1) 61:8
entries (1) 28:24	evaluations (4) 24:12,15;160:12,13	exact (5) 13:3;98:4;114:1,19;130:8	expected (1) 60:25
entry (2) 92:14;181:21	even (12) 6:2;25:3;31:7;60:19; 61:24;83:17;107:7;138:7; 150:9;160:6;173:6;190:9	exactly (11) 12:3;27:3,15,23;42:21; 44:2;65:3;98:16;103:18; 128:23;188:14	expecting (1) 106:9
environment (2) 111:16;179:19	evening (3) 51:8;65:21;134:23	Examination (2) 3:4;5:2	expenses (2) 194:16,21
Environmental/Home (1) 160:1	event (2) 102:19;196:10	example (12) 32:14;43:19;80:17,18,25; 81:9;151:1;152:12,14,16; 181:6;204:21	experience (10) 56:5;62:20;158:2;166:8, 11,14,17,24;180:24;197:23
equipment (1) 181:12	events (2) 86:7;149:16	examples (11) 46:5;131:20;151:25; 152:5;164:15;181:10; 183:13,24;185:2,10,19	experienced (5) 61:22;64:6;85:21;103:16; 178:10
eraser (1) 181:12	eventually (1) 189:7	except (3) 41:8;124:6;153:9	experiences (8)
erection (1) 154:13	ever (50) 5:25;6:5;23:22,25;24:3,7; 27:24;28:25;38:16;40:23; 64:22;65:16;67:14,24;68:5, 8;70:4;80:6,12;81:2,11; 93:24;94:2;99:16;100:1;	exception (1)	
Erickson (2) 138:14;169:20			
Ernie (1) 196:8			

64:11;116:11;139:10; 141:15;156:1,15;167:12; 183:8 experiencing (2) 179:10;185:11 expert (2) 180:2;184:22 experts (1) 179:8 Explain (4) 10:1,18;59:6;71:1 explained (3) 78:2;86:6,11 explaining (1) 80:20 expose (1) 165:20 express (1) 14:16 expressed (3) 14:24;100:23;103:6 expression (1) 177:25 extended (4) 32:15;132:17;159:15,22 extensive (1) 56:23 extent (4) 28:3;79:4;160:18;170:24 extra (1) 174:6 extremely (1) 186:4 eyes (2) 85:6,15	face-to-face (2) 19:8;29:15 facilitated (1) 60:4 factor (2) 47:23;48:8 facts (1) 5:17 fair (2) 31:24;160:5 fake (1) 54:12 fall (11) 38:16;41:17,23;43:25; 44:7,10;45:9;121:20; 148:22,23,24 false (5) 175:21,25;182:4,6,11 familiar (1) 17:6 families (1) 36:25 Family (18) 4:4;27:12;31:25;32:4,16, 18;33:15,21;47:6;62:8; 111:3;132:17;133:14,16; 156:23;168:6;170:14;178:2 Family's (1) 182:14 far (17) 7:9,12;26:25;33:18; 44:16;61:15,22,23;84:6; 110:1;145:7;159:16;160:4; 169:1;173:12;185:8;193:25 Fary (4) 138:13,14,15,18 F-A-R-Y (1) 138:16 father (3) 24:7;176:5;177:12	father-and-mother (1) 41:5 father's (1) 7:24 fear (2) 85:6,15 February (1) 110:14 feces (3) 54:8;110:22;183:12 fed (3) 110:22;111:3;176:23 feed (2) 73:10;183:17 feeder (1) 196:23 feel (5) 67:20;95:17;130:23; 131:2;132:16 feeling (3) 80:6,12;184:18 feelings (2) 91:25;131:4 feet (3) 43:12;152:13;194:4 female (1) 154:22 Fetal (2) 23:17,22 few (15) 16:15;20:6;37:2;38:4; 48:11;50:10;58:6;60:25; 61:16;97:1;113:5;122:8; 125:11;167:12;183:24 fifth (1) 73:6 file (2) 88:20,24 Filipino (1) 187:19	finalized (1) 107:3 financial (3) 24:21,25;25:7 find (4) 5:21;12:9;96:10;185:4 fine (3) 9:18;36:4;191:8 finger (1) 54:15 finish (1) 206:20 finished (4) 30:13,15;39:5,10 finishing (1) 39:19 Finley (3) 165:7,8,10 First (83) 4:11,13,24;12:7;16:9; 17:25;18:4;26:16;29:16; 30:7,20;36:3;38:21;39:3, 20;40:7;41:14;42:8,10; 48:6,7;49:2,3,11,13,17,18, 19;51:5,5,18,22;52:2,15; 54:20;60:25;61:16;64:1,13; 66:12;69:9;73:6;74:23; 75:14;77:9;78:1,24;79:9; 84:24;85:2;94:4;95:9,10, 11;97:15;102:12;104:4; 105:17;117:3;119:12; 122:20;126:21;127:25; 149:15;165:19,20;169:19; 177:18;184:3;187:19,22; 188:5;189:13,18,20,23,23; 190:1,12;196:17;199:9,24; 201:7 fitness (1) 174:10 Five (14)
F			
face (2) 50:2;55:4			

8:15,16;34:8;36:25; 48:20;63:10;64:1;73:6; 89:14;102:8;134:18;135:9; 161:9;190:18 flight (3) 197:10,14,16 flights (1) 29:3 flipping (1) 109:25 floor (5) 83:16,23;111:3;131:23; 143:2 Florida (8) 4:4,9;13:18;26:7;71:17; 88:3,8;149:16 fluctuate (3) 131:15;136:25;142:25 Fluctuated (1) 142:15 focus (10) 112:7;155:25;156:3,7,9, 12,14,20;177:24;178:5 focusing (1) 45:9 folks (1) 109:9 follow (4) 12:20;106:19,24;134:1 following (4) 43:10;110:19;175:18; 206:8 follows (1) 4:25 follow-up (7) 65:13;105:9;106:9,17,23; 107:4;202:20 fond (1) 196:21 food (14)	50:5,5,6,18;55:7;83:6,7; 110:22,23;163:17;176:15, 18;177:7;183:17 football (7) 121:15,20,20,21;124:7; 148:19;204:21 forced (4) 54:11,12;111:11,13 forehead (2) 176:3;177:10 forgot (1) 112:1 form (203) 10:16;11:8,21;12:17; 15:1,20;16:7,13;17:14,21; 18:2,11;19:2,13,24;20:24; 21:4,23;11,16,24;25:2,25; 26:9;27:11,20;29:11;30:25; 31:6;32:7,12;34:17;35:7,10, 19;38:18;39:22,25;40:12; 41:24;44:18;45:12;47:1,25; 51:23;52:19;53:12,18;54:1; 57:3;65:1,15,25;66:15,23; 67:9,15,23;68:7,19;69:5,20; 70:8,20;72:2,15;73:18;74:5, 11;75:18;79:2;80:15;83:1, 13;84:3,15;85:20;86:19; 87:24;88:10;89:7;91:6,17; 93:10,18;95:4;96:24;97:20; 98:5,14,25;99:17;100:4,17; 101:4,12;102:25;103:17,23; 104:14;105:2;106:1,11; 107:6,10,15;109:6,14; 111:20;112:11,22;113:3,18, 25;114:8,17;115:3,7,12; 116:22,25;117:6,13,20; 118:1,7;120:16,22;125:3; 126:1,4;130:19;131:1; 132:2,6,19;133:17;134:24; 136:17;138:19;139:15;	140:4;141:6,11;142:18,24; 143:17;144:13,21;145:13; 146:5,12,19;147:5;148:10; 150:4;152:21;153:6; 158:13;159:4;160:10,15,18; 161:4,16,22;163:1;165:17; 166:6,10;168:4;169:14; 171:15,23;173:15,20;176:9; 178:12,17;179:2,14,25; 182:9;183:1;184:15; 185:14,20;186:13;189:9; 192:6;194:19;195:9;196:2, 20;199:1,20;200:5,25; 201:2,17,24;203:25;204:8; 205:6 formal (1) 127:4 formalized (1) 106:10 Formally (2) 123:20,23 forth (1) 109:25 forward (4) 62:7;96:4;155:7;189:4 foster (55) 8:1,2,3;20:3;21:24,25; 22:1;23:9,13;38:17;48:14; 49:3,19,20;52:23;53:3; 54:17;64:6,13;66:12;67:7; 70:5;71:17,19,23,24,25; 72:13;75:16;77:9;89:2,6; 100:23;101:8;110:13; 112:15;130:2,5,18;150:13; 165:14,17;167:20;172:13, 16;173:6;186:6;193:15; 195:7;196:13,17;198:22; 201:7;202:5,7 fostered (1) 7:22	found (3) 100:22;103:5;177:1 four (19) 20:18,21;21:1;55:12; 56:11;64:23;68:24;69:1,1, 2;73:6;85:4;91:4;135:15; 136:12;141:7;177:19; 182:16;188:19 fourth (7) 60:24;71:11;83:15;96:11; 97:10,12;180:20 frame (3) 189:17;190:10;191:13 free (2) 95:17;177:2 French (3) 157:11,15,18 frequency (2) 142:13;146:25 frequent (1) 149:16 frequently (8) 46:11,12;143:8;144:1,7; 149:23;150:2;204:20 friend (2) 54:24;55:1 friendly (2) 140:6,6 friends (3) 11:11;27:13;134:6 from (124) 3:15,18;7:9,22;8:1,2,3,19, 24;11:22;16:1,1;20:19,19; 23:9,10,13;24:22;25:8,10, 24;26:1,4,6,7,25;28:22; 30:24;43:22;45:14;56:15; 57:9;58:3,3;59:2,12;61:13; 64:1;65:22,22;71:4,11; 72:16,17,18;73:1,6;75:25; 80:19;85:4;87:4,22;94:11,
---	---	---	--

18;96:13,17;97:8,10,12; 100:10,15,22;103:5;104:13; 106:2,5;108:23;109:22; 110:18;111:3,3;112:5,8,24; 113:23;116:18;117:11,17; 123:11;126:10;128:1,14,18; 133:10;136:14,20,22;137:4, 24;145:10;147:13,19; 150:6;154:1;155:17; 157:25;163:16,20;167:7,19, 24;168:2,19;170:20;176:3; 177:3,11,20;178:18;180:20; 183:17;184:6,10,16;197:11, 12,13,19;200:18;201:2,3, 25;203:17,19 front (2) 57:21;203:24 fruit (1) 192:19 FSS (43) 14:10;16:1,5,5;17:5,17; 18:12;20:19,22;21:3,6,18; 24:22;25:8,10,24;26:1,3; 59:15,15,19;60:4;72:18; 76:6;83:25;94:17;98:15,16, 19;100:24;103:7;104:22; 105:8,10,25;106:6,9,17,23; 107:5,9,13;201:3 FSSNF (1) 13:18 FSS's (1) 19:19 full (7) 47:5;74:20;77:10;99:8; 149:15;153:17;187:13 full-time (1) 188:10 fun (1) 31:24 funded (4)	126:2,3,5,24 funds (2) 26:4;126:25 further (1) 112:23 Furthermore (1) 73:8 G gain (3) 184:9;185:13,18 garbage (2) 110:24;111:11 garden (1) 173:25 gate (2) 163:17,18 gathering (1) 113:9 gave (5) 12:20;48:14;81:9;167:1; 203:18 gears (1) 117:15 gender (4) 14:22;80:19;154:14,19 general (7) 27:17;28:7;98:8;112:15; 118:10;123:21;159:7 Generally (6) 104:20;106:6;118:11; 142:12;144:22;167:6 genitalia (2) 80:21;203:7 genuine (1) 62:9 gets (2) 132:21;161:18 getting (24)	24:13;25:3,9;47:24;48:2, 9;50:17;68:12;86:25;87:14; 107:17,24;127:2,4;144:17, 22,23;145:1;171:19;172:4; 174:23;177:2,7;185:22 Girl (2) 31:23;54:7 girlfriend (2) 72:14;92:20 give (18) 12:22;55:21;58:18;67:18; 69:3;71:5;83:18;87:19; 130:23;131:2;135:18; 149:13;161:23;162:1; 164:15;183:11;201:9;204:6 given (11) 12:15;13:5;43:12;45:4; 54:8;61:1;81:9;82:5,13; 152:3;167:3 giving (2) 43:11;199:5 glad (1) 191:3 goals (4) 167:18;168:1,11;192:9 goes (6) 44:16;95:18;121:6;145:7; 173:4,7 going (72) 5:11;10:8,21;13:6,7; 16:10;17:2;20:18;21:20; 26:20;28:2;32:9;36:1;37:7, 11,19;40:3;41:21;47:2; 55:17,20;56:14;58:13,22; 59:1;60:17;63:17,25;73:4, 5;75:24;76:22;79:1;81:18, 25;89:18;94:6;99:3;107:22; 108:7,7;114:18;132:11; 133:1;136:2;138:9;150:21; 160:17;163:25;166:5,9;	167:16;170:23;175:5; 181:14;185:5;187:23; 188:6,10;189:13;190:22; 191:16;193:5;197:17,20; 198:1,3;200:13;202:18; 205:19;206:4,18 G-O-N-C-A-L (1) 59:17 Goncalves (3) 59:17;76:1;94:12 gone (4) 104:5,11;133:7;190:13 good (6) 31:7;135:17;158:1; 193:21,24;194:8 gosh (1) 146:2 gotten (2) 23:25;144:11 Government (4) 9:16;10:7;171:21,22 governmental (2) 26:7;126:2 GP (3) 129:6,7,9 grade (11) 30:20;38:21;39:3,4,9,20; 40:1,5;121:13;157:14; 162:16 graduate (3) 8:19;167:24;168:19 graduated (2) 8:24;157:25 graduates (1) 168:11 graduating (1) 168:2 grandparents (1) 62:8 Grant (3)
---	---	--	---

118:15,16,20 graphic (2) 86:6,11 gravy (4) 111:7;114:4;117:4,12 great (4) 27:21;46:1;48:14;121:12 grew (2) 7:16;8:16 grocery (3) 73:23;132:18;133:1 ground (1) 144:7 group (3) 14:21;125:2;161:11 grow (1) 7:15 guardian (2) 59:23;94:16 guess (13) 47:14;60:3;78:6;88:21; 98:19;105:5;106:6;108:11; 112:25;127:13;139:19; 193:4;194:6 guessing (1) 149:2	132:10;150:23;205:10 hangers (1) 164:17 Hanna (1) 59:21 H-A-N-N-A (1) 59:21 happen (2) 5:17;197:18 happened (11) 14:9;20:9;51:1;90:22; 91:9,14,16,24;133:6,11; 186:15 happening (1) 27:9 happens (2) 12:15;139:19 Happy (24) 7:9;30:21;32:14;38:21, 22,24;39:15;41:10,17,19, 20,23;42:3;44:5,8,9,25; 52:10;108:23;176:7,12,15; 187:15;198:2 hard (4) 49:23;113:10;143:9,12 having (31) 4:24;34:21,23;40:11; 42:14;50:17;54:22,25;55:3, 6;65:4;71:25;80:19;81:11; 98:17,17;104:22,25;106:17, 23;107:4;112:25,25; 156:17;167:7;170:18; 174:5;182:24;186:11; 189:15;201:22 head (4) 125:7;150:19;151:7; 160:3 heading (1) 182:14 Health (9)	71:5;110:12;148:6,16; 159:10,11;190:24;193:25; 194:8 healthy (1) 177:25 hear (4) 135:23;157:9;170:22; 187:2 heard (3) 49:19;61:17;172:25 hearing (4) 42:25,25;68:14;163:24 hello (1) 101:24 help (11) 45:20;46:14;48:16;68:12; 99:19;131:4,12;155:25; 158:12;185:9;188:9 helped (4) 80:3;90:21;91:9,13 helping (4) 91:5,15,19;174:2 helpless (2) 184:8;185:1 helps (1) 128:22 hero (2) 151:16;152:23 herself (3) 97:17,24;112:12 high (3) 8:19,25;157:25 highlighted (3) 56:17,19;78:14 himself (8) 45:14,15;46:2,5,18; 86:25;87:13;140:22 hip-hop (1) 122:13 hired (1)	127:1 history (1) 9:3 hit (11) 44:22;69:10;82:16;116:9; 139:18,24;143:8,11;144:15; 197:5,25 hits (1) 139:23 hitting (11) 131:22,22,24;139:12,14; 140:6,22;143:6,7,18;144:1 Hoffman (4) 52:11,16;108:25;109:2 Home (148) 4:20,21;5:5;7:6;8:1,2,4,7, 9;12:6,10,14,15;13:15;14:7, 8,14;15:21;20:4;21:24; 22:1;26:20;43:22;45:11; 49:19;53:5;54:6;56:5,11; 61:2;65:22,22,24;66:4,7,22; 67:11,22;68:6,25;69:1,4; 70:6,6;72:4,12,19;73:2; 75:17;77:9;78:15;79:9; 82:16,19;89:13;90:3;92:10, 18;93:3;100:23;101:8,17; 106:20;110:14,16,20; 111:17,18;112:4,19;113:8; 115:6,11,15,23,24;116:1,6, 16;123:22,24;130:5,13,18; 132:16;134:23;135:3,8,10; 136:12,16,20,22,25;137:3,4, 16,19,23,24;138:4,10; 154:8;156:11,17;164:19,20; 165:14;167:20;170:18; 176:2,8,13,15;177:3,6; 180:8,12;186:6,16;189:16, 22,23,25;192:13,16;195:7, 8,12,12,22,23;196:1,3,6,11, 12,13,17;197:11,13;198:22;
H			
habit (1) 204:23 hair (5) 111:6;114:10,12;186:9; 192:12 half (1) 145:11 hand (6) 116:9,24;134:10;139:24; 140:1;143:10 hands (3)			

199:10;201:7,7,10,22;202:4 homes (19) 21:25;38:17;49:4;52:23; 53:3;71:24;89:2,6;112:15; 130:2;150:13;195:7,11,15, 17,19,19;202:5,7 home-schooled (1) 121:1 hope (2) 155:19,23 hoped (2) 177:21;178:6 horrendous (1) 48:16 horrible (1) 84:20 horrific (6) 68:13,21;69:6;77:12; 84:17;85:22 horse (1) 174:16 horseback (2) 174:12,13 horses (1) 174:15 hospital (1) 47:12 Hot (1) 88:20 hour (6) 131:11,11;141:7,12; 158:6;203:17 hours (16) 33:19;131:23;136:15; 140:9,15,16;141:2,7,7,13, 13,19,23,25;142:5,10 house (12) 36:15;37:1,9,22;73:11; 77:9;82:20;86:8;104:2; 105:7,18;164:9	However (6) 56:21;61:21;74:21;82:15; 182:18,20 How's (1) 121:11 Huckleberry (1) 6:25 hug (2) 183:11;203:19 hump (1) 150:22 hungry (1) 83:5 hurt (7) 46:2;140:2;144:17;145:2, 4;148:19;152:14 hurtful (1) 152:11 hurting (3) 46:5;145:5;163:22 husband (2) 16:2;40:14 husband's (1) 196:8 hygiene (1) 192:11 I ice (1) 102:18 idea (12) 11:3;22:25;35:13;59:22; 75:13;83:2;96:25;99:1; 127:13;138:23;158:25; 205:3 IDENTIFICATION (13) 3:9;57:19;58:12,20;71:8; 75:23;78:8;90:11;94:15; 109:20;126:15;153:23;	181:18 identified (1) 15:19 identify (1) 22:10 identity (1) 154:16 I-E (1) 59:22 I-E-R (1) 90:20 illness (1) 13:13 imitating (1) 153:9 immediate (4) 138:12,13;175:18;182:2 immediately (1) 73:1 important (1) 77:10 impression (2) 179:13;192:3 improper (1) 133:2 improvement (1) 192:5 impulse (2) 87:1,14 inappropriate (9) 74:20;132:14;134:7; 135:23;144:4;145:19; 150:22;157:2;204:19 inappropriately (1) 133:19 Inc (1) 4:12 incidences (1) 114:11 incident (4)	46:6;47:23;48:12;74:25 incidents (2) 48:12;71:18 include (1) 167:4 included (2) 23:8;86:9 includes (1) 58:23 including (3) 175:18,25;182:2 incorrect (2) 154:13,19 increased (4) 24:22;142:14;144:11; 147:1 increasing (2) 105:23;142:23 independent (1) 150:7 INDEX (1) 3:8 indicate (3) 74:4;83:21;117:1 indicated (7) 47:22;51:15;74:9;84:7; 90:16;203:22;206:12 indicates (4) 69:17;88:7;94:11;126:11 indicating (5) 70:24;91:12;93:7;112:8; 175:24 indication (1) 56:21 indirect (1) 181:4 Indiscernible (2) 35:11;159:18 Individual (11) 78:12;84:20;110:4,8;
---	---	---	--

153:17;166:15;168:22; 169:15;173:16;175:12; 181:15	22:20	intervene (1)	116:13;197:7
Individual's (2)	instructor (2)	135:24	J
110:11;182:14	122:15;123:16	Intervention (1)	
I-N-E (1)	instructors (2)	47:9	Jacksonville (15)
128:17	122:16,18	Interventions (1)	
inedible (1)	insurance (6)	184:2	4:9;18:7,23;20:16;30:24;
110:24	126:3;159:9,24;172:2;	interviews (3)	88:20;101:16;102:12;
information (22)	194:21;195:1	110:17;112:4;113:12	117:18,23;197:11,13,20;
9:24;14:19;21:22,24;	integration (1)	into (14)	198:11,16
22:2;77:7,15,15,19,22;	161:21	9:6;23:22;40:1,10;45:9;	jail (2)
110:17;112:5,8,10,16;	intended (1)	49:9;54:16;82:20;110:13;	24:8;88:19
113:7,7;135:5;139:3;	184:9	155:16;168:20,20;182:13;	Janette (1)
161:23;165:18;173:16	intending (1)	195:2	30:3
informed (2)	140:2	introduce (1)	Janine (3)
100:25;103:8	intensive (1)	4:15	122:22,24,25
initial (9)	155:24	introduced (2)	January (23)
34:12,12;50:7,11,13,20;	intentionally (2)	5:4;34:20	4:5;75:25;76:7,8,11,15;
51:12;52:21;65:17	46:8;152:11	invading (1)	82:9;85:16;86:1;94:10,24;
initially (13)	intentions (1)	205:2	95:10;96:12,16;97:9;
21:21;26:21;27:2,9;	140:5	investigate (1)	103:13,20;117:9;122:1;
31:10;35:18;52:17;56:20;	interact (1)	10:5	143:15;144:2;148:13;206:9
78:15;154:2,7;171:6;189:5	161:19	invited (1)	Jasper (52)
initials (2)	interaction (1)	193:11	3:15,18,20,21;78:11;80:5,
13:19;59:24	135:13	involved (6)	10,12;81:4,12;110:8;
inquire (1)	interest (2)	11:25;16:9,15;40:23;	153:17;154:17;155:24;
14:8	14:16,25	169:13;196:22	156:6;165:13,15;167:7;
inside (1)	interested (1)	involvement (1)	168:5,16;170:8,20,22;
73:25	24:24	16:12	171:5,7,13;172:8;173:1,4,5,
instance (2)	Internet (1)	Island (1)	8;174:15;176:2,4;177:10,
84:21;106:6	162:18	71:4	12;178:9,14;181:15;187:22,
instances (6)	interpret (1)	ISSP (1)	23;188:5,11,25;189:16;
151:22;153:1;176:6,11;	113:11	193:4	190:5,7,14;191:24;194:17;
181:4;184:25	interpretation (1)	issue (2)	202:3;206:1
instead (1)	81:14	23:14;42:19	jazz (1)
177:23	interpreted (3)	issues (20)	122:13
instruct (2)	47:22;78:16;154:8	10:5;13:12;40:15,19,24;	Jean (1)
29:12;171:1	interpreting (3)	41:6,22;42:3,16,20,25;45:1;	122:23
instruction (1)	80:7,14;81:8	48:10,13;168:21;175:19;	Jill (2)
	interrupt (2)	178:22;182:2;194:3;195:17	33:6,7
	55:15;63:9	items (2)	Jill's (1)

33:9	80:1;81:22;84:21;86:1;	kept (7)	177:18;189:14;192:12,22;
Joan (1)	98:9;106:3,6,23;109:23;	27:24;28:15,22;56:4;	197:8;204:23
32:25	110:3;117:8,17;118:10;	65:16,17,17	kindergarten (10)
Joanne (3)	123:20,21;128:9;129:20,21;	Kevin (3)	30:9,13,15,18;38:22,24;
34:3;35:1,8	132:10;133:2,7;139:25;	124:21,22;127:1	39:3,20;200:4,11
John (1)	143:5,10,10;144:8;149:6;	Kevin's (1)	kinds (2)
33:1	156:17,19,20;160:22;	124:22	122:12;185:5
Jones (7)	164:17;165:2;167:6;	keyboard (1)	King (2)
56:16;129:9,17;148:7,11;	169:12,22;174:22,25;179:3;	124:1	94:12,13
149:3,5	181:6;183:11;188:1,2,22,	kicked (2)	kiss (1)
journal (6)	23;191:9,12;197:24;200:9,	70:1,13	53:23
27:25;28:13,15,18,19;	17;201:8,18;202:7;203:8;	Kicking (2)	Kissane (1)
29:7	204:10,23;205:4,16;206:2	45:7;131:24	4:9
journals (1)	K	kids (52)	kitchen (2)
28:4		14:19;16:6;26:21;31:3;	111:4;174:2
Journey (2)	Kara (1)	32:17;35:24,24;45:7;49:3;	knee (3)
196:8,9	94:17	51:2;59:9;60:10;61:20;	135:3,8;148:19
J's (9)	Karen (3)	62:11,20;64:3,11,13,17;	knew (7)
41:17;66:10;77:8;116:10;	3:10;56:15,16	70:1,11,12,17;71:1,2;73:22;	10:20;21:8;48:15;61:24;
150:22;166:23;177:22;	Kathleen (3)	84:4,8,16;97:18,25;98:10;	75:7;92:8;201:1
178:7,15	178:22;184:17,23	104:3,4;105:7;109:15;	know (240)
Judy (2)	KC (7)	111:7;112:25;114:4,10;	5:8,14,18,20,25;6:2,3;
52:11,16	59:24;76:1;94:12;95:13;	115:9,22,25;117:10;134:5;	10:10,17;11:3,13,24;13:3,
juice (2)	96:13,17;150:15	137:25;151:17;173:19,21;	19,22;14:10;15:9,23;18:20;
55:4,5	KC's (1)	195:14,18;205:10	20:8;23:8,12;24:21,22;25:3,
Julie (2)	96:15	kids' (5)	13;26:4,17;27:8,15,18;29:3,
108:25;122:22	keep (7)	43:20;50:16;83:8;100:5;	4;30:1;31:4,19;32:9;35:6,
jump (1)	28:13;57:17;58:13;108:7,	112:18	22;36:3,20;37:3;38:1;
171:5	7;162:15;163:20	kill (2)	40:20;41:5,14;43:2,3,9,10,
June (3)	keeping (3)	192:17,21	15;45:2;46:12;48:11;49:3;
166:2;189:14,19	29:7;64:17;205:8	Kimberly (1)	52:4;53:13,17;55:7;56:1,1;
Just (98)	Kehler (13)	118:15	57:1,8;60:7;61:11,14;62:4,
5:17;6:2;10:14;18:15,24;	124:21,24;125:10,12,19,	kind (33)	5,10;65:8,19;66:2,9,11,20;
20:18;21:9;22:24;23:19;	24;126:7,22;138:9;145:9;	17:17;19:25;23:5;25:4;	67:6;68:3,15;69:23;70:4,
25:16,21,23;28:3;29:10;	148:5,8,16	32:3;40:13;41:4;42:24;	21;72:12;73:16;74:7;75:6;
36:20,21;47:2;48:13;49:18;	K-E-H-L-I-E-R (1)	43:17,22;54:11,12;106:21;	76:3;77:10,21;80:2;81:4;
50:15,15;51:6,6,12;55:11,	124:23	120:18;122:11;124:18;	82:24;83:11;88:19;92:6,9;
20;57:6;58:15;61:11;62:9;	Kent (4)	134:11;139:2;148:6;	96:22;97:2,4,5;98:4,6,9,16;
63:10;64:22;65:16,17;	129:14,23,24;148:7	151:19;162:16,17,24;163:2;	100:11,18;101:15,23;
68:12,16;69:7,21;76:23;		165:4;171:4;173:10;	103:18;104:23;105:21;

106:5,20;108:2,23;109:1,3, 4,8,11,15;114:15;122:20; 125:4,5,6,8;128:19,23; 132:22;134:3,5;138:22; 139:22;140:5;142:2; 146:25;147:21,22,25; 150:21;153:12;158:10,12; 159:5;160:1,4,11;161:2,7; 162:19;163:10;164:17; 165:19,21;166:11,15,16,22; 167:11;168:12,21;169:1,2, 7;170:6;171:8,18,20;172:1, 3,5,15;173:5,18,21,22; 174:4,9,16,23;176:23,24; 177:5;179:10,17;180:5; 182:6,12;183:6,20,22; 184:16;185:8;186:14,15,24; 187:3,12,13,20;188:4,4; 189:4,5;190:23;191:4; 192:16,18,20;194:1,9,20; 195:2,3,4;196:7;197:15,24; 198:7;199:25;200:8,9,21; 201:14,18,18;202:24;203:1, 3,9,9,18;204:23;205:7,8,17, 18,21,24;206:12	large (1) 199:21 last (76) 7:23,24;33:9,13;34:4; 37:1;38:1,12;43:14;56:17; 66:11;86:20;88:1;97:9; 99:4,12;100:2,22;101:8; 118:22;119:8,15,22;120:9; 124:22;126:21;129:16,24; 130:4,6,17,17,24;133:11, 20;134:8;135:14;136:12; 139:17;140:14;141:2,12,16, 20,22,24;142:4,8;143:1,15, 16,18,20,23;144:11,20; 146:8;147:25;148:3,5,9; 154:25;165:20,21;169:8,10, 18,21,24;170:1,2,9,13; 186:4;203:14;204:14 lasted (2) 142:5,9 lasts (1) 141:10 Late (2) 124:13;191:4 later (4) 19:7;44:1;81:22;92:15 latest (1) 194:2 laughing (1) 140:23 lawyer (3) 28:12,21;29:6 lawyers (1) 29:9	learned (2) 62:3;77:16 learning (3) 77:7,14;177:25 least (5) 11:16;128:22;142:6; 189:7;198:2 leave (6) 13:6;26:18;131:10; 134:22;136:15;137:11 leaving (6) 73:23;107:22;154:15; 174:24;175:1;200:15 left (16) 20:16;21:18;34:9;36:16; 37:19;63:11,25;67:11; 68:25;71:18;89:15;102:10; 106:15;134:19;161:10; 190:19 leg (5) 21:10;131:25;134:10; 148:19;150:22 Leland (1) 125:21 length (2) 64:2;66:21 lengthy (3) 64:16,20;65:4 Less (6) 119:11;141:25;142:17; 144:1,6;158:15 lessons (5) 123:8,9,10,14;157:13 letting (3) 6:3;65:18;205:17 level (6) 71:14,16;144:10;157:14; 204:7,20 liaison (1) 98:20	library (1) 45:6 lied (3) 180:22;181:5,6 lies (2) 43:15,17 life (2) 120:23;201:23 light (2) 112:25;113:6 lighter (3) 111:9;114:15,23 Lightman (2) 178:22;184:23 limit (1) 162:18 limited (3) 23:19;56:6;205:24 line (18) 42:24;60:24;62:16;71:10, 11,12;73:6,6;88:20;97:10, 12;149:19,20;154:25; 155:1;180:20;182:3;184:3 lined (3) 22:22;189:6,6 lines (9) 43:9;64:1;85:4;154:1; 155:17,21;175:20;177:19; 182:16 link (1) 95:10 list (9) 15:3;43:2,3;63:5;131:21; 151:8;160:18;172:8;202:25 listed (4) 48:11;87:22;125:22; 139:11 listened (2) 51:2;77:25 listening (4)
L	lay (2) 168:5,8 lead (1) 16:19 learn (1) 178:1		
language (10) 151:2,5,23;152:6,8,17,20; 153:1,2,9			

50:16;65:12,18;200:17 listing (2) 14:11,18 listings (8) 13:24;14:1,2,5,6,9,16; 15:6 litem (2) 59:23;94:16 little (4) 21:24;31:1;50:16;108:3 live (6) 6:22;7:4;35:13;186:25; 197:17;198:1 lived (3) 7:1,3,6 lives (2) 32:18;61:3 living (5) 50:23;77:8;169:4;178:1; 203:13 local (1) 31:24 located (1) 12:12 locked (3) 71:19;82:19;92:21 locking (1) 73:9 long (36) 7:1,3;9:17;11:13;16:21; 18:18,22,24;19:7;38:3; 51:18,20;52:20;99:5,14; 100:3;108:6;118:18;119:1, 10;120:1,11,19;123:2,13; 125:10;127:19;131:21; 135:7;140:16;141:10,15,21; 165:23;167:22;199:7 longer (4) 43:3;131:9;190:21;202:3 look (26)	14:15;15:13;37:8;39:9; 47:2;57:22;67:16;68:2; 71:11;84:18;127:9;128:9; 130:14;136:19;147:15,21; 153:25;154:6;162:18; 175:11,13;177:17;180:15, 20;202:18;204:11 looked (7) 14:5;15:2;23:22;62:7; 92:22;151:8;154:5 looking (4) 36:14;37:21;80:23; 166:25 looks (9) 59:20;62:4;95:18,19; 96:15;109:21;128:12; 147:20;152:4 loser (1) 151:19 losers (2) 151:16;152:24 lot (17) 10:17;11:5;16:25;17:16; 44:12;45:1;50:11;53:4; 73:24;166:17;182:10; 183:4,22;185:8,24;186:25; 187:4 loud (1) 140:22 love (1) 61:19 loved (1) 200:17 loves (1) 123:25 lunch (10) 43:21;108:3,18;176:16, 17,23;177:2,2;181:2;183:18 lunches (2) 43:20;176:16	Lying (3) 43:13,17;180:25 Lyn (2) 94:12,13 M ma'am (35) 11:24;12:2;21:1;31:13, 19;34:19;35:21;37:24,24; 43:8;68:9;75:3;76:14,16; 95:23;99:8,11,15;102:4; 107:12;114:21;115:18; 118:3;126:18;133:9; 136:21;143:20;147:14; 158:18,22;162:7;166:13; 171:17;178:20;195:11 made (20) 11:18;13:17;28:20;53:21; 61:24;74:17,22;92:17,18; 93:16;111:18;113:20; 155:1;180:8,12;188:24; 194:5;195:21,23;201:15 main (3) 171:6,8,12 mainly (1) 116:19 major (1) 13:12 make (17) 5:7;28:24;55:17,21; 58:14,15;60:12;73:11; 116:15;155:7;168:12; 174:22,25;183:18;188:17, 23;198:25 makes (2) 6:10;124:1 making (8) 28:23;46:7,15;93:2; 106:20;182:4;183:8;200:24	male (1) 55:1 man (3) 54:22;55:4;120:7 manage (1) 157:1 Management (1) 139:3 manipulate (3) 184:8;185:12,17 Manning (1) 178:19 manual (1) 163:17 many (18) 8:12,14;11:4;14:5;17:5; 30:4;44:5;55:10;56:1; 71:18;96:22;97:1;101:22; 124:14;130:24;139:17,19; 143:22 March (4) 25:12;56:16;149:15; 153:13 margin (3) 71:12;180:21;184:3 marijuana (1) 24:5 mark (13) 56:15;58:8,22;71:3; 75:20;78:5;81:18,25,25; 90:3;109:24;153:16;181:14 MARKED (21) 3:9;57:15,18;58:11,19; 71:7;75:22;78:7;90:10; 92:15;94:10,14;109:19,23; 110:5,7;126:14;128:3; 149:9;153:22;181:17 markers (1) 181:12 marking (3)
---	---	--	--

57:13;81:22;94:6	90:4;98:9;108:7;113:1,15;	memo (13)	177:18;181:20;182:17
marriage (2)	132:9;133:25;140:9,19;	60:5,24;63:25;64:18;	might (23)
6:18;111:12	144:3;145:10;146:2,10;	73:4,5;82:10;85:17;86:1,	104:5;109:23;111:25;
married (6)	156:25;168:9;179:4,9,17;	22;87:7,22;117:9	132:22;135:24;137:21;
6:14,15,16;10:21;11:12,	191:4;198:6	memorable (1)	143:11;145:2,4;152:3;
14	meanings (8)	144:16	159:9;160:19;168:17;
Marty (1)	78:18,23,25;80:7,13;81:8,	memorandum (7)	169:6,25;170:2;184:19;
38:9	13;154:10	59:1,2,4,7;76:8,12;88:1	187:23;188:6;194:16;
Mary (2)	means (2)	memories (2)	199:11;202:19;204:24
59:22;178:19	10:3;186:14	149:16;196:21	Mike (2)
masturbating (2)	mediation (1)	memory (1)	34:1,13
204:4,9	160:20	150:7	Mikus (8)
masturbation (3)	medical (3)	mental (2)	20:4;101:3,6,9,10;
203:4,23;204:7	159:6;194:16,20	13:12;110:12	195:20;196:19;198:23
material (3)	medication (2)	mention (5)	milestones (1)
23:20;24:17;201:4	127:16;159:20	49:17;130:22;186:19;	167:18
Materials (4)	medications (7)	196:11;197:16	milk (2)
3:11;57:21;157:7;161:21	127:6,8;128:6;159:2,14,	mentioned (25)	131:23;143:1
math (2)	17;194:10	15:5;35:23;43:2,17;	milligrams (1)
162:13,14	medicine (1)	50:12;51:5;54:5;55:3;90:1;	128:15
matter (3)	194:23	108:24;116:17;131:12,18;	mind (8)
4:3;6:6;191:6	medicines (2)	133:18;143:6;148:14;	21:9;32:10;57:21;64:18;
may (17)	194:22;195:4	164:8;169:3;176:22;	72:7;85:21;141:1;176:14
27:3;28:8,20;29:23;30:3;	meet (10)	178:22;181:1;196:10;	minds (3)
31:11,25;43:20;71:11;81:9;	11:6,10;18:4,9,18;27:12;	198:2,4;199:2	85:5,14,18
104:16;105:3,3;135:20,23;	29:21;31:21;32:15;34:13	mentioning (1)	minor (1)
143:15;152:18	meeting (17)	49:13	36:2
maybe (15)	16:20;18:14,21;19:1,3,9,	messages (2)	minus (1)
10:5;32:1;43:21;56:6;	12;29:15;40:10;41:5;45:24;	154:14,19	158:7
104:3;124:6,6;127:15;	106:19;167:17,25;192:9;	met (15)	minute (4)
145:11;148:15;151:8;	193:4,16	11:9;13:9;17:20;18:1;	21:10;118:8;158:17,21
152:10;169:20;195:3;200:1	meetings (7)	30:4;31:23,25;34:18;35:1,9,	minutes (13)
meal (1)	105:4,5;192:25;193:2,3,7,	23;36:22;52:10;101:13;	34:9;56:7;63:11;89:15;
135:18	10	102:8	102:8;131:7,10;134:19;
meals (2)	meets (1)	Michael (4)	161:10;167:12;190:19;
73:10;83:6	168:11	165:22,24;170:14;203:23	191:1,11
mean (33)	Melonie (3)	Michelle (3)	missing (1)
10:2;19:3;26:25;27:18;	165:22,23;170:14	76:2;96:21;171:11	152:18
34:24;40:17;49:4;53:16,19;	members (1)	middle (6)	mistreated (1)
60:6;65:13;70:22;84:6;	62:8	149:20;155:1;175:21;	186:8

mixture (1) 65:2	more (63) 5:25;9:7,7;19:17;27:16; 31:1;43:15;45:3;46:9; 48:11;50:11;51:4;53:4; 54:5;55:8;56:7;61:14,22, 23;75:8;77:7,14,15,19,21; 79:11;80:23;87:20;98:23, 23;116:10,21;124:11; 127:16;132:4,5;134:16; 141:4;143:14;144:6; 147:22,23;155:1;156:21,22; 158:15,23,25;161:23;162:1; 164:17;168:20;181:13; 183:22;184:19,22;185:8,15; 191:1;193:4;195:2;202:25; 206:21	170:8,20,22;171:5,7,14; 172:8;173:1,5,8;174:15; 176:2;177:10;178:9,14; 181:15;187:22,23;188:5,11, 25;189:16;190:5,14; 191:24;194:17;202:3;206:1	73:12
modern (1) 122:14			name (36) 4:10;7:24,24;30:2,3;33:9, 13;34:4;38:1,12;47:5; 49:21;66:10,11;118:22; 119:8,22;120:9;124:22; 125:22;127:12,13;129:12; 149:1;165:6,16,19,20,20, 21;169:18,19;171:11; 173:5;196:8,9
Molly (2) 34:1,14			named (1) 46:23
mom (4) 90:21;91:8;176:4;188:4		mouth (2) 53:8,24	names (14) 14:20;32:24;33:5,25; 35:20;36:2,3,16;37:3; 38:10;60:11;122:20; 183:21;186:17
moment (4) 129:13;160:7;164:18; 169:19		move (3) 117:10;150:23;174:21	Nancy (1) 128:16
Mommy (1) 62:6		moved (4) 36:20,21;37:1;72:18	nannies (3) 157:18,19;158:4
Monday (2) 135:1;137:10		movie (1) 19:23	nanny (15) 118:12,14,15,18;119:1, 10,15,16;120:1,11;121:1; 133:16,22;135:20,20
Mondays (2) 137:12,17		moving (1) 40:10	nasty (1) 73:13
monitor (1) 163:3	morning (8) 93:6;117:18;127:17; 134:22;135:17;136:16; 191:5;205:18	much (10) 25:13,18,18;61:17;98:11; 131:9;158:4,25;159:2; 190:21	Natalia (1) 37:25
monitors (1) 176:17	mornings (2) 92:23;137:11	mud (7) 73:12,16;74:9,14,18; 117:8,11	Nations (1) 187:19
month (17) 25:13,16,19;31:25;67:12; 130:23;140:14;141:22,24; 142:4,8;143:15,16,19,20, 23;193:11	most (6) 64:9;118:12,20;120:25; 132:1;192:10	multi-day (1) 19:16	necessarily (3) 22:20;152:7;204:10
monthly (7) 144:15;191:24;192:2,24; 193:4,7,16	mostly (2) 17:7;200:12	music (8) 120:20;123:5,12,18,22, 25;124:3;157:13	need (18) 5:25;12:7,19;37:10; 46:13;77:4;95:14,24;96:4; 99:5,13;100:3,6;107:4; 134:16;137:6;194:16; 203:11
months (36) 7:21,22;19:7;27:1,4; 29:16;45:22;48:4,20;49:9; 60:25;61:16,21;67:4,8,12; 68:16,24;69:2;91:4;105:17; 118:19;125:11;130:24; 133:12,20;134:8;135:9,15; 136:12;138:8;139:17; 143:3;145:9;165:25;166:3	mother (10) 8:3;21:23;23:15;24:3,5; 64:13;66:13;67:7;176:4; 177:12	musical (1) 122:13	needed (19)
Montreal (2) 6:13;7:14	mother's (3) 20:4;49:20;66:11	musically (2) 123:6,24	
	motioned (1) 63:10	must (1) 167:17	
	Mountain (47) 3:15,18,20,21;78:11;80:5, 10,12;81:4,13;110:8; 154:18;155:24;156:6; 165:13,15;167:8;168:5,16;	myself (3) 5:4;51:14;56:11	
		N	
		naked (1)	

12:20,24;48:16;51:3,7,9; 56:3,7;68:21;69:7;84:18; 85:22,24,24;106:18;129:21; 176:16;188:8,9	177:17;182:13;183:25	Nothing (1) 28:17	52:19;53:12,18;54:1;57:3; 65:1,15,25;66:15,23;67:9, 15,18,23;68:7,19;69:5,20; 70:8,20;72:2,15;73:18;74:5, 11;75:18;79:1;80:15;83:1, 13;84:3,15;85:20;86:19; 87:24;88:10;89:7;91:6,17; 93:10,18;95:4;96:24;97:20; 98:5,14,25;99:17;100:4,17; 101:4,12;102:25;103:17,23; 104:14;105:2;106:1,11; 107:6,10,15;109:6,14; 111:20;112:11,22;113:3,18, 25;114:8,17;115:3,7,12; 116:22,25;117:6,13,20; 118:1,7;120:16,22;125:3; 126:1,4;130:19;131:1; 132:2,6,19;133:17;134:24; 136:17;138:19;139:15,25; 140:4;141:6,11;142:18,24; 143:17;144:13,21;145:13; 146:5,8,12,19;147:5; 148:10;150:4;152:21; 153:6;158:13;159:4; 160:10,15,17;161:4,16,22; 163:1;165:17;166:6,10; 168:4;169:14;170:23; 171:15,23;173:15,20;176:9; 178:12,17;179:2,14,25; 182:9;183:1;184:15; 185:14,20;186:13;189:9; 192:6;194:19;195:9;196:2, 20;199:1,20;200:5,25; 201:17,24;203:25;204:8; 205:6
needs (12) 137:21;155:25;156:1,15, 20;157:7;159:6;162:14,15; 185:5;194:4;205:9	next-door (1) 36:15	notice (2) 145:15,16	objection (10) 26:2;55:18,21;67:25; 101:7;111:24;147:10; 160:22;183:3;195:13
negative (2) 185:3,9	nice (1) 183:20	noticed (5) 77:17;86:23;87:12; 145:19;204:16	
Neighbor (1) 32:17	nigger (3) 114:4;117:4,12	noticing (1) 44:4	objectives (2)
neighborhood (2) 35:25;111:16	niggers (1) 111:7	November (8) 58:22,23;64:18;84:24; 85:9;117:7;151:10,11	
neighbors (10) 31:23;35:15,16,17;36:15, 22,24;37:20,20,22	nightmare (3) 130:9,10;202:11	Number (38) 3:10,11,12,13,14,15,16, 17,18,19,20,21;27:22;32:4; 37:13,17;48:1;63:19,23; 77:17;82:12,13;86:4,9; 89:20,24;104:8;108:21; 136:4,8;138:20;164:2,6; 175:20,25;186:16;191:17, 21	O
neither (1) 99:21	nine (4) 7:6;27:1,4;45:22	numbered (3) 78:1;82:4;83:4	
network (1) 10:4	nine-month (2) 26:18;65:23	nuts (1) 192:19	Oath (1) 3:6
never (7) 11:24;41:4;78:2;92:7; 158:10;172:22;201:22	Nofar (3) 120:4,4,11		
new (17) 31:5,21;39:24;40:3,6,10, 10,11;41:9;60:10,11;61:10, 10;62:21;76:2;82:1;90:17	N-O-F-A-R (1) 120:6		Object (209) 10:16;11:8,21;12:17; 15:1,20;16:7,13;17:2,14,21; 18:2,11;19:2,13,24;20:24; 21:4;23:11,16,24;25:2,25; 26:9;27:11,20;28:3;29:11; 30:25;31:6;32:7,12;34:17; 35:7,10,19;36:1;38:18; 39:22,25;40:12;41:24; 44:18;45:12;47:1,25;51:23;
N-E-X-I-N-N-O-V-A-T-I-O-N (1) 9:22	Nona (2) 102:1,3		
Nexinnovations (1) 9:20	None (1) 157:17		objection (10) 26:2;55:18,21;67:25; 101:7;111:24;147:10; 160:22;183:3;195:13
next (37) 13:2;15:15;16:4,5,12; 18:21;19:1,5;20:10;40:1,5; 43:6;44:15;53:2;61:19; 63:13;64:9;69:8,24;70:10; 73:3,21;74:19;75:1;78:5; 82:4;86:10,21;87:6;92:14; 99:3;168:3,25;174:22;	nonparty (1) 36:2		
	nor (2) 99:21;111:1		objection (10) 26:2;55:18,21;67:25; 101:7;111:24;147:10; 160:22;183:3;195:13
	normal (2) 136:14;199:19		
	normally (2) 5:16;136:22		objection (10) 26:2;55:18,21;67:25; 101:7;111:24;147:10; 160:22;183:3;195:13
	North (1) 4:4		
	nose (5) 46:7,15,17,18;54:15		objection (10) 26:2;55:18,21;67:25; 101:7;111:24;147:10; 160:22;183:3;195:13
	note (3) 90:14;194:25;206:8		
	notes (7) 27:25;28:13,20,23;39:9; 66:24;92:3		objection (10) 26:2;55:18,21;67:25; 101:7;111:24;147:10; 160:22;183:3;195:13

168:1,11	officer (1)	5,10,17,19;68:3,23;69:8,24;	176:19,25;177:4,9;178:5,
objects (1)	9:24	70:10;71:3;72:6,11,21,24;	24;179:9;180:7;181:9;
49:25	offices (1)	73:3,21;74:19,25;75:5,10,	182:1,13;183:13,19,23,25;
observation (1)	4:8	13,16,20;76:11,18,22;77:4,	185:7,11,23,25;186:19;
162:25	official (4)	6,21;78:1;79:12,15,17,23,	187:6,8,14,21;188:3,13,15,
observe (1)	48:23;110:15;112:3;	25;80:5;81:1,11,16,21;	17,21;189:1,4,13,22;190:4,
79:5	190:2	82:11,11;83:4,15;84:1,12,	8,17,20;191:12;194:9;
obtain (1)	often (14)	23;85:2,23;86:1,4;87:9;	195:6,18;196:5,15,18,25;
9:5	110:23;111:2;121:8,17;	88:1,15;92:5,9,12,14;93:7,	197:2,6,9,12,22;198:4;
obtained (2)	139:13;140:9;144:6;151:1;	13,15,15,24;94:23;95:12,	199:7;200:7,20,23;201:14,
23:5;77:22	152:11,16,20;180:22;199:3,	21,24;96:3,16,20;97:1,3,9,	20;202:2,8,16;203:22;
obvious (1)	4	24;98:12,22;99:3,21,23,25;	204:2,13
152:13	Oh (18)	100:13,15,19;101:3,10,19,	old (5)
obviously (2)	11:5;17:24;49:6;79:14;	22,25;102:6,15,20;104:6,	6:10;7:20;118:16;165:10;
70:17;135:17	87:6,9;90:9;107:21;127:11;	11,16;105:12,16,21;106:3,	183:17
occasion (1)	151:12;155:22;157:12;	15;107:2,8,23;108:1,12;	older (5)
199:11	188:3;196:25;205:20,20,25;	109:4,8;112:2,17,19;114:3,	62:13;72:5,7;90:24;111:4
occupational (3)	206:3	7,13;115:5,10,14,21;116:3,	on (142)
120:20;127:3,4	okay (444)	15,24;117:15,16,25;121:8,	4:2;5:16;10:4;12:20;
occur (2)	5:12,13,18,19;7:9,14;8:5,	13,17,22,25;122:2,7,19,21;	14:3;16:17;20:7;21:2,15;
132:24;204:20	10,16,19;9:10,12,14;10:22;	124:9,12,14;125:18,24;	22:15;23:12,25;25:12;26:5,
occurrence (2)	11:3,6,10,12,17;12:22;13:2;	126:6,20;127:22;128:5,8,	13,23;28:4,24;29:4,10;36:3;
144:14;204:13	14:2,15;15:5;16:12,16,19,	15,21;129:7,10,16,19,23;	37:15,21;40:18;42:10;45:9;
occurring (1)	22,25;17:11;18:5,8,14,18,	130:1,22;131:6,9;133:11,	53:8,22;56:10,18;60:24;
150:13	21;19:8,11,18,21;20:2,9,18;	14,20,24;134:17;135:1,4,7,	62:15;63:21,25;71:12;73:9;
October (5)	22:7,10,14;23:18;24:21;	10,19,22;136:23;137:9,14,	75:25,25;77:18;79:10;82:9;
78:12;110:9;155:6;	25:5,7,12;26:5,16,20;27:6,	16;138:3;139:17,21,23;	83:16,22;85:2;86:7,10,10,
175:12;181:16	24;28:10,17,17,19,24;29:2,	140:7,15;141:4,9,24;	12,24;87:6,13;89:22;90:15;
Off (27)	22,24;30:12,17,20;31:20;	142:12;143:22;145:15;	91:3;92:14;95:11;99:2;
21:12,14,18;26:22,24;	32:2,5,18;33:17,20;34:10;	147:3,25;148:13;149:4,6,8;	103:20;105:7,7;106:24;
27:1,1;37:11,19;63:17,25;	35:1,15,23;36:23;37:5,7;	150:2,11,25;151:10,14,21;	108:19;110:17;112:5,7;
89:18;108:16;125:7;136:2;	38:20;39:7,10,18,23;40:9,	152:2,25;153:11,15;154:24;	113:4;116:9;121:8,10,17,
150:14,19;151:6;159:19;	23;41:2,4,9,12;42:2,7,12;	155:11,13,22;156:14;	19;123:24;124:10;125:8;
160:3,19;163:25;175:5;	43:24;46:4;47:16,19;48:2,8,	157:12,19,24;159:19,22;	127:6,8,25;128:12;131:8,
188:22;191:16;202:23;	17;49:2,7,7,16,22;50:21,24;	160:25;161:8,13,20;162:12,	23;132:10;133:4;134:5,10,
206:4	51:15;52:6,9,13;53:1,55:2,	22,24;163:5,12,20;165:1,	25;136:6;137:12,17;
office (11)	10,20,22;56:14;57:5,8,8,12;	12;166:5,19;167:3,11;	141:15;143:1;151:18;
18:13,15,16,17;19:19;	58:5,8;59:6,13,16,20;60:9,	168:2,8;169:2,6,17,20;	152:12;153:3,25;155:12;
45:6;136:24;137:2,6,9;	17,19,21;61:19;62:15;63:2,	171:9;172:5,18,24;173:18,	156:1,3,9,12,14,20,24;
200:14	7,12;65:4;66:9,17,20;67:1,	22;174:1,3,6,12,18;175:2,4;	158:14;159:14;161:23;

162:10;164:4;167:25; 169:1,24;173:4;174:21; 175:8;176:2;177:10,24; 178:5;180:2;182:3;183:12; 184:2;185:5;186:1;189:8; 191:19,25;192:2;194:9,11, 13,15;195:16;197:4; 198:25;199:11;201:15; 202:20;203:8;205:14; 206:9,9,16	online (4) 23:1;24:1;120:25;157:3	21,24;160:25;161:1;164:7; 171:2;175:2,10;181:14,19; 190:20,23;191:3,14,22; 202:16;203:21;205:20,25; 206:3,11,16,19	132:4,5;141:5;152:12; 177:22;178:8,11,16,25; 179:24;180:6;182:22; 183:2,9;184:10
once (17) 13:21;46:9;56:6;102:8; 116:21,21;121:7;126:25; 130:20,22,23;131:3;139:21, 21;142:6;147:22,24	only (16) 6:18;8:8;14:24;15:10; 24:24;68:16;80:24;82:20; 83:16;94:4;122:1;134:13; 156:11;166:21;172:23; 179:5	orange (2) 55:4,5	ourselves (3) 99:5,13;100:3
One (82) 3:15,18;7:5,7;10:18;14:9; 15:25;19:17;34:3;39:3,4,9; 43:14;45:13,17;48:6;50:10; 52:15,15;53:14,21;54:22; 72:4;73:5;74:8;81:17; 84:18;87:23,23;95:5,11; 98:15,23,23;105:13;108:3; 109:11;111:12;114:9; 115:9;117:3;119:12,14,15; 120:3,13;123:15;125:15; 127:16,17,18;128:10,11,11; 132:21;140:7;141:7;143:7, 14;150:15;151:10,11; 153:9;156:7,9,11;160:4; 163:10,15;166:25;172:10; 176:14;177:19;181:6; 185:3;186:4;188:23,24; 193:11;194:2;196:10; 203:14	open (1) 163:23	order (3) 12:7;13:3;95:18	out (48) 5:21;12:5;13:7;27:22; 29:4;37:1;44:22,23;47:13; 51:7;55:6;70:6;82:6,14,18, 19;87:11;95:13;96:11; 105:18;111:6;113:5; 114:10;116:13;127:21; 132:18;140:22;143:10; 144:4;146:2;149:24;150:3, 10,12,17;152:22;157:8; 168:5,8;174:2;177:1;197:7; 200:13;203:13,24;204:1,18; 205:5
ones (5) 14:24;104:23;139:11; 158:1;172:8	opened (1) 88:25	Oregon (3) 170:7;171:21;188:11	outcome (1) 179:19
one-time (1) 149:6	opening (1) 86:5	original (1) 94:25	outcomes (1) 192:14
	operator (1) 4:11	orthopedic (2) 194:5;195:1	Outdoor (2) 164:21,23
	opine (1) 180:2	orthopodic (1) 194:5	outlets (1) 177:25
	opportunity (1) 55:21	other (101) 9:8;11:13;19:19;22:17; 23:4,5;33:15,17;36:2;37:8; 43:19;44:22;45:7;46:5,5; 48:5,12;52:14,14,22;53:1; 54:4,17;62:21;63:4;66:3,7; 70:1,5,11;71:2;75:16; 82:16;89:1,2,5,6;95:19; 99:21;104:25;105:14; 109:11;111:15;113:8; 114:10;115:15;116:19; 123:18;131:19;133:21; 134:3;138:3,4;140:25; 142:9;148:5,8,8,14;150:7; 151:16,21,22,24,25;152:5, 24,25;153:1,9;156:11,12, 17,19;157:5,7,15;161:19; 165:2;169:6,22;172:11,12, 13;181:2,9,11;183:13; 192:8,15,21;194:25;195:7, 12,16;198:20;201:21;202:5, 20,21;205:10	out-of-pocket (1) 159:17
	opposed (3) 23:10;199:4;201:21		outside (8) 18:15;71:19;73:23;137:3; 163:18;164:19,20;185:5
	opposite (1) 111:13		over (22) 25:19,21,23;43:12;50:2, 9;54:19,19,22;55:1,2,4; 61:21;62:1;68:16;132:12; 133:8;141:13;142:13; 144:20;170:11;204:11
	option (1) 169:2		overall (1) 194:8
	options (2) 168:17;169:6	others (15)	
	O'Quinn (92) 3:4;4:19,19;5:3,5;21:11, 17;28:10,11;34:10,11;37:7, 18;55:14,17,20,23;57:15, 20,24;58:8,13,18,21;63:12, 14,24;71:3,9;78:5,10;79:7; 81:20,22;82:2,3;87:6,10; 89:16,25;90:5,7,9,12;94:8, 9;95:7,8,16,23;96:1,6,8; 108:5,12,15,22;110:1,6; 128:5,7;134:15,20;135:25; 136:9;149:8,11,12;153:16,		

overly (2) 86:25;87:14	90:23,25;93:9;116:18	13:15;56:17;118:12;	69:9
over-stimulated (2) 132:22;150:17	paper (2) 43:10;169:1	120:25;128:3;137:25;	peer (4) 42:16,16,19,19
overweight (1) 194:3	paperwork (2) 47:3;172:3	153:18;160:20;192:10	peers (5) 178:2;180:23,25;181:3;
own (12) 10:25;15:11;23:25;29:10; 32:17;56:10;123:24;131:8; 150:6;157:8;203:9,10	paragraph (46) 56:18;64:1;69:8;73:7; 74:20;77:18;78:1;82:4; 83:4,15;85:4;86:23;88:1; 90:17;97:9,11;99:4,7,9; 100:6;110:12;149:15,20; 151:13;152:1,19;153:2,4,8; 155:16,17,18,19;175:14,21; 177:18,19;179:4;180:17,18, 21;181:20;182:11,14,16; 184:1	participate (5) 169:13;174:7;192:23,25; 193:17	192:10
P		particular (5) 14:17;20:11;46:22;65:20; 95:6	pencils (1) 181:12
Pacific (16) 3:16,19;46:21,25;47:6, 11;48:3;52:7,17,18;89:11; 125:22;126:9,11,23;145:21	paragraphs (2) 84:7,14	particularly (1) 111:5	penis (5) 54:12;91:1;93:9,17;94:1
PAGE (46) 3:2,15,18;56:18;74:19; 77:18;78:11;81:18,25;85:2; 86:10,10,21,21;87:7;90:15; 92:15;94:4,4;95:11;96:11; 97:14,15;99:3,10;100:19; 109:22;110:4,7;127:25; 149:14;153:18;154:1,25; 155:13;175:13;177:17; 180:15;181:23,23,24; 182:17;183:25,25;185:25; 186:1	Pardon (5) 35:12;38:11;90:7;158:20; 171:25	part-time (1) 136:22	people (19) 13:1;36:23;37:9;73:16; 74:10,15,18;99:1;109:5; 131:24;132:8,25;133:24; 150:16;151:16;152:24; 161:19;186:25;187:5
pages (4) 94:4;96:10;166:22; 202:19	parent (3) 162:13;165:18;193:8	passed (1) 13:22	people' (1) 73:12
paid (9) 125:24;159:8;171:14,16, 19,19,20;172:4;194:18	parental (4) 26:18;65:23;161:20; 162:9	Passport (2) 190:1,6	people's (1) 152:13
Palmer (2) 3:10;56:16	parents (10) 12:8;13:21;32:22;33:24; 34:21;61:10,11;78:19; 154:11;187:8	path (1) 9:6	per (2) 25:13,16
Palmer's (3) 149:8,14;150:25	parents' (1) 165:16	pattern (1) 180:18	perceive (1) 186:11
pants (4)	Parin (1) 171:11	Pause (1) 96:2	perceives (1) 186:5
	park (4) 19:23;27:18;102:18; 132:18	pay (11) 126:3,5,24;127:1;157:8; 158:5;159:8,13,20;194:23, 23	perhaps (1) 152:4
	parking (1) 73:24	paying (2) 171:18;172:1	period (35) 31:9,14,15;34:12,13; 38:14;45:8;59:24,24;65:23; 66:9,20;79:19;80:2,3;92:9; 138:7;141:4;145:16,17,23; 146:3,17;147:3,8,12;167:4; 190:10;191:23;199:13,19; 202:2;203:22;204:5,6
	part (9)	pays (1) 194:20	periodic (1) 129:20
		peas (5) 195:24,24;196:4,11,11	permanent (3) 60:12,15,21
		pediatrician (3) 129:8,11;159:7	
		peek (1)	

permitted (4) 15:10;72:19;110:25; 201:12	pictures (3) 107:17,18,19	187:10,12	popping (1) 127:21
person (11) 23:1,3;29:21,24;46:22; 59:14;98:22,24;148:9; 161:25;171:10	piece (2) 147:2;150:9	playroom (1) 203:17	pornography (1) 162:19
personal (9) 10:8;166:11,14,17,23; 167:11;184:8;185:13,17	place (14) 18:14;29:17;31:5;50:22; 59:10;66:3,7;86:8;132:15, 16,17,20;133:4;188:11	plays (3) 121:19;123:7;124:8	positive (5) 24:4,5;161:14;166:1; 192:14
personally (1) 166:12	placed (5) 68:25;71:25;78:15;154:2, 7	please (18) 4:15;5:8,15,22,25;6:8; 12:16;20:25;31:2;32:21; 33:11;96:1;107:11;147:7, 16;175:13;176:10;180:10	possibility (2) 152:25;188:6
personnel (2) 10:5;109:13	placement (1) 100:23	plenty (3) 5:23;15:15;134:15	Possibly (5) 41:25;86:18;142:1,3; 145:5
pet (1) 183:16	placements (1) 71:17	pm (18) 89:19,23;95:11;96:13,17; 97:10;108:17,20;136:3,7; 164:1,5;175:6,9;191:17,20; 206:5,7	Poston (11) 72:12,18;89:13;90:2; 92:7,10;115:11,15;195:7, 12;201:10
petting (2) 32:3,13	places (3) 20:6;27:22;66:3	pocket (1) 157:8	P-O-S-T-O-N (1) 72:12
phone (8) 16:17;100:21;101:20; 102:5;138:20,21;169:24; 193:13	plain (2) 79:11;199:10	point (19) 15:23;16:17;17:15,16; 24:14,23;42:2;45:24;52:6, 9;55:9;61:4;79:10;98:22, 23;107:2;152:9;199:17; 203:15	Postons (1) 102:6
phonetic (1) 171:11	plaintiffs (1) 4:18	pointed (1) 152:22	post-secondary (1) 7:13
photo (10) 13:24;14:1,2,5,9,11,15, 18;15:2,6	Plamodon (1) 118:23	pointing (1) 198:8	potential (2) 168:6,8
physical (3) 9:4;56:23;193:25	P-L-A-M-O-D-O-N (1) 118:25	points (6) 86:10,13,22;87:7;186:1; 200:10	potentially (2) 167:24;168:18
physically (1) 144:16	Plan (2) 3:21;181:16	poison (1) 192:18	poured (1) 143:1
piano (3) 123:7,13;124:7	planned (1) 11:1	police (1) 88:21	Pouring (1) 131:23
Pica (1) 163:16	planning (1) 193:4	pool (5) 82:6,14,19,25;111:3	power (1) 184:6
pick (3) 136:1;137:5;158:1	play (4) 32:17;62:12;120:21; 124:1	poor (2) 50:16;68:12	practice (4) 123:25;125:1,4;178:1
picking (5) 45:23;46:17;73:3;113:5; 123:21	played (4) 35:24,25;121:20;124:14		practitioner (1) 159:7
	playing (8) 121:15,21,22;184:7,13, 17,18;204:21		precipitated (1) 103:21
	playmates (2)		precipitating (2) 47:23;48:8

predicate (1) 68:19	128:12,19;129:5	206:12	progress (5) 155:2,7;182:21;191:25; 192:3
preference (3) 10:22,24;191:6	P-R-E-V-A-C-I-D (1) 128:12	problem (12) 39:18,21;40:13;42:15,23; 97:5;129:20,22;135:2; 142:17;200:8;205:17	progressed (1) 144:20
preferences (2) 154:14,20	141:5	problematic (1) 203:6	progressing (2) 167:10;190:25
pregnant (1) 24:4	previous (12) 7:7;29:3;38:17;53:3; 77:23;88:14;96:18,20; 110:18;112:6,8;115:16	problems (14) 13:12;39:24;40:10,22; 42:14,15,17,19;44:6,17; 61:23;103:16;109:9;128:13	progression (1) 192:14
prenatal (1) 23:14	previously (5) 69:15;88:7,13,16;150:14	proceed (1) 11:23	projection (1) 167:21
prepare (1) 57:25	primarily (2) 7:16;8:18	proceeded (1) 11:2	propamanol (1) 194:11
prerequisite (1) 13:15	primary (1) 64:4	process (10) 11:17,18;12:19;17:6; 30:23;60:17,18;68:18; 106:4,18	property (2) 164:20;173:5
prerequisites (1) 13:23	principal (4) 45:7,20;176:22;200:18	processed (1) 11:20	provide (4) 107:9,13;110:23;135:5
preschool (1) 22:4	principal's (2) 45:5;200:14	processes (1) 13:6	provided (11) 21:6,19,21;22:8,11; 24:11;25:1;99:18;112:9; 113:7;160:20
prescribed (4) 127:24;128:25;129:3,5	prior (5) 103:19;105:11;107:21; 112:14;175:1	produce (3) 193:6,24;200:21	providing (1) 99:19
presence (1) 198:19	private (6) 10:7;125:1,4;126:3; 159:9,24	produced (3) 4:24;160:24;206:2	province (2) 15:11;138:25
present (12) 50:19;118:14,15;123:18; 127:2,16;129:7;131:14; 139:10;167:14,15;190:24	privates (5) 53:8,9,23,24;204:25	profile (1) 12:25	provinces (1) 15:9
presently (5) 6:22;9:14;124:5,17;127:8	privilege (2) 28:6;160:21	program (32) 47:8,9;61:7;159:12; 162:13;165:13;166:8; 167:5,5,9,9,15,22,24;168:3; 19:172:11,11,12,13,14,16, 21,23;173:7,12;174:10,11, 17;190:25;192:24;193:16	Provincial (2) 9:16;10:7
presents (3) 175:17,24;182:1	privileged (1) 170:25	programs (1) 172:7	provocation (1) 152:13
pressed (1) 203:15	pro (1) 60:3		proximity (2) 132:8;133:1
pretend (1) 183:10	probably (23) 7:6,7;11:15;26:23;31:25; 36:25;37:9;48:19;77:4; 80:18;81:5;90:13;96:4; 104:2;127:23;130:6; 137:13;140:14;141:22; 148:11;150:19;184:22;		prying (1)
Pretending (4) 183:16,20;184:7;185:1			
pretty (8) 13:6;41:18;44:11;48:15; 51:4,8;61:17;98:11			
Prevacid (3)			

10:9	206:14	28:3,7;76:22;77:5;95:21;	149:25;152:8;153:4,8,10;
Psychiatric (3)	pursue (1)	96:7;104:12;202:21,22;	178:3;184:11;186:9;194:2;
172:10,20,22	9:7	205:22;206:21,22	200:6,18;206:17,18,23
psychiatrist (1)	push (1)	quick (2)	reading (8)
58:4	143:11	81:23;108:13	77:19;87:4;91:18;150:14;
psychiatrists (1)	put (13)	quite (2)	153:3;179:15;183:4;192:7
202:1	29:4;47:13;53:7,8;77:1;	80:9;199:10	reads (3)
psycho-educational (2)	110:13;111:11;133:4;	quotes (4)	71:16;99:4;154:6
160:8,9	163:2;183:12;185:5;	70:16,22,24;74:3	ready (1)
psychological (2)	205:10;206:9	R	206:19
12:25;24:12	putting (6)		real (1)
psychologist (3)	36:2;54:15;70:23;74:14;	race (3)	50:6
13:9;29:25;105:18	134:10;193:23	14:21;111:6;186:6	realize (1)
psychologists (1)	Q	Rachelle (1)	61:21
105:6		147:11	realizes (1)
psycho-social (2)	qualified (1)	ran (1)	145:3
160:12,13	13:21	200:17	really (40)
public (3)	quantify (4)	rarely (1)	16:3,11;32:9;39:16;
189:3;203:13;204:18	142:20;143:12;144:6;	54:6	45:16;62:9;67:24;80:16;
publicly (1)	145:25	rate (1)	84:12;97:18,25;113:4;
126:23	Quebec (1)	58:25	116:8;125:5;131:2;132:7;
pull (1)	6:13	rather (2)	11,21;135:16,16;142:19;
114:10	Queen (1)	10:11,23	143:12,24,24;144:5,5;
pulled (3)	47:12	raw (2)	146:3;161:17;167:11;
90:23,25;114:12	question (42)	176:2;177:10	168:20,24;179:16,19;180:4;
pulling (2)	5:11,12,14,16,24;17:3;	reaching (1)	183:17;186:17;192:22;
93:8;111:6	20:25;26:10;31:7;43:6;	205:5	200:21;203:19;204:22
punched (4)	52:20;68:3;79:2;84:9,12,	reaction (3)	reason (6)
50:1,1;69:25;70:13	13;85:5,13,18,21;86:20;	65:11;184:10;188:15	6:6;35:8;105:1;138:3;
punching (1)	89:4;106:12,14;107:11;	read (60)	148:9,17
46:18	114:20;117:22;136:18;	7:17;8:5;21:7;64:7,14;	Reasons (1)
punished (1)	141:8,17;146:9,20;147:7;	66:24;69:13;70:2,14;71:20;	181:21
82:18	153:7;156:13;161:17;	73:14;74:1,23;75:8;76:24,	recall (102)
punishment (1)	162:2;167:13;176:10;	25;77:12;78:3,20;81:2,5;	17:4;18:8;19:11,15;20:5;
111:11	180:10;183:7;202:20	82:7,22;83:9,19;84:7;85:7;	21:20;22:5,23;24:13,16;
purchase (1)	questioned (1)	87:2,15;88:5;90:16;91:1;	27:3,8;28:23;29:19;30:2,4,
157:6	71:17	92:3,25;95:14,24;97:19,23,	17;38:10,12;41:7;42:7;
purpose (2)	questions (18)	25;99:6;101:1;104:24;	43:24;44:3;46:12;48:6;
95:3;96:12	5:6,8,24;10:9,17;13:10;	111:19,23;112:23;126:16;	50:13,21;51:19,20,21;52:4;
purposes (1)			54:3,10,14;61:13,14;65:3;

66:8;69:17,18,22;70:9; 74:14;75:7,9;76:13;81:11, 15;87:25;91:20,22;92:4; 93:2,4,5,11,14,15,22;94:20; 95:2;103:14;104:15,17; 106:2,22,23;107:16,17,24; 109:7;115:20;116:23; 117:2,14;119:9;120:10; 127:24;141:20;142:7,8; 143:14,18,22;149:1;151:4, 17;153:11,14;160:14; 161:6;173:24;174:5; 180:14;186:23,23;187:1,5; 198:21;199:5,22;200:7	53:19;59:3;64:25;66:6; 75:13;77:2;92:1;103:25; 104:6;116:5;150:6;177:4, 14;205:12	referring (13) 61:5,6;62:23;63:1,2; 90:13;95:5,9,12;153:2; 160:19;182:8;187:25	144:10
receive (6) 16:1;24:14;26:6;147:12; 149:5;195:16	recommend (2) 163:15;189:20	reflux (1) 128:20	remember (51) 13:4,7,16;16:25;17:23; 18:22,24;19:7;20:7;23:20; 27:23;30:16;35:22;38:5; 39:2,8;40:14;45:13;46:7; 49:23;50:15;55:8;76:20; 90:21;91:5,9,13,16;107:16; 114:1,18;116:10,12,14,18, 20;129:18;130:8;142:3,11; 143:16;145:14;150:20,24; 151:7,8;169:18;170:3,11; 176:21;200:12
received (24) 15:22,25;16:2;24:10,17; 28:22;60:10;68:11;72:16, 17;81:4;92:13;99:16,22; 100:1,8,15;104:13;112:14; 167:7;177:3;194:25;201:2, 18	recommendations (2) 168:14;170:20	refresh (1) 77:1	reminding (1) 202:10
receiving (3) 25:7,19;155:23	recommended (6) 125:14,16,18;163:6,8,8	regarding (11) 21:22;23:5;28:13,20; 41:6;52:23;56:23;64:10; 77:8;81:7;112:15	remotely (3) 135:11;136:11;137:19
recently (7) 92:17;118:20;140:13,17; 141:22;155:1;203:8	record (32) 4:3;21:12,14,15;28:2; 36:3;37:15;63:17,21;81:17; 89:18,23;94:3;108:16,19; 110:3;112:10;136:2,6; 149:5;160:23;163:25; 164:4;175:5,8;191:16,19; 205:16;206:4,9,15,16	regards (1) 94:19	removed (2) 73:1;201:11
recognizable (2) 78:17;154:9	recorded (1) 4:7	Regent (3) 120:24;121:4;157:3	renew (1) 190:1
recognize (1) 178:15	records (6) 7:17;108:23;110:15,15; 112:3;175:1	regressed (1) 146:3	repeat (11) 20:25;89:4;107:11; 114:19;117:22;147:7; 162:15;167:13;176:10; 180:10;198:13
recognizes (1) 145:3	recreationally (1) 124:6	regular (3) 136:19;144:14;169:23	repeatedly (1) 70:13
recognizing (2) 144:24;145:1	refer (3) 96:4;166:18,20	regularly (2) 129:19;139:20	repeating (1) 88:3
recollection (24) 16:22;17:25;40:18;41:12, 16;48:22,25;49:16;52:1,13;	reference (13) 24:11;30:13;71:22;73:16; 81:1,23;83:11;90:2;108:24; 113:9;115:16;117:8;147:21	related (11) 64:11;73:17;106:7;124:3; 156:1,15;182:21;183:2,9; 201:16,21	Report (50) 3:10,13,15,16,18,19,20; 56:15;59:10,11;68:22;69:7, 10,17;71:4;79:3,6;81:2,3, 18,19;82:1;85:22,24,24; 89:11;94:5,7;106:24;110:9; 112:12;113:24;125:23; 126:10,12;127:10;128:1; 149:8,14;150:7,21,25; 155:14;160:19;178:18;
	referenced (3) 112:24;130:25;182:6	relating (4) 73:20;74:8;77:8;178:2	
	referencing (1) 74:18	relationship (6) 34:22,24;35:5;78:19; 154:11;155:8	
	referred (5) 49:20;87:17;100:2;101:5; 172:25	relationships (1) 155:3	
		relayed (1) 113:15	
		remained (1)	

180:15;184:16,22;200:6; 201:25 reported (8) 69:25;84:5,18;86:3; 88:11,17,19;186:15 reportedly (1) 111:14 Reporter (4) 3:5;4:12;106:13;111:22 REPORTER'S (1) 206:8 Reporting (5) 4:11,13;86:2;105:22; 117:11 reports (15) 58:3;81:5;89:1,3;105:8, 10;163:10;167:7;191:24; 192:3,7;193:5;194:2,12; 200:24 represent (1) 5:5 represented (2) 112:10;114:25 representing (1) 4:11 required (1) 29:14 research (1) 23:25 residence (1) 190:9 residency (1) 60:14 residential (9) 167:19;172:10,20,25; 173:11;177:21;178:6; 181:21;192:24 residents (3) 60:13,15,22 respect (13)	10:5;21:7;43:6;53:21; 79:6;97:7,11,17,24;98:20; 106:19;162:25;182:11 responded (1) 96:19 responding (1) 96:14 responds (1) 192:9 response (3) 45:17;94:24;95:19 responsible (1) 190:15 rest (2) 137:3;157:9 result (1) 100:21 resulted (1) 192:4 resulting (1) 70:12 returned (1) 26:23 revealed (3) 71:18;110:19;113:13 revelations (1) 64:10 reverse (1) 95:18 review (2) 10:3;192:2 reviewed (3) 3:11;17:9;58:2 Rick (1) 37:25 R-I-C-K-I (1) 59:14 Rickie (2) 59:13;76:1 ridden (1)	174:16 riding (2) 174:12,13 right (43) 4:2;6:10;13:16;14:13; 31:17,18;36:13;37:9,22; 39:16;44:16;54:20;60:9; 88:15;89:22;116:14; 120:15,23;121:21;124:10; 127:25;129:4,11;134:2; 136:11;141:1;142:16; 145:7,12;149:20;151:12; 153:11;165:3;168:23; 172:15;175:2;177:18; 182:17;189:8;193:9,13; 205:15,21 right-hand (3) 71:12;180:21;184:2 ring (1) 30:10 road (2) 16:21;37:11 Robert (3) 4:19;5:5;205:17 role (3) 98:12;184:18,19 room (11) 50:23,23;55:7;73:9; 116:13;130:15;163:18; 197:8;200:13;203:11,13 rotten (1) 83:8 roughly (3) 36:25;166:3;169:25 routinely (1) 69:10 rubbing (2) 176:3;177:11 ruler (2) 197:5,25	run (2) 44:22;204:24 running (1) 200:12 Rury (1) 36:9 R-U-R-Y (1) 36:11 S S-A (1) 59:21 sad (1) 44:11 Safe (1) 172:11 safety (2) 175:19;182:2 same (28) 8:3;26:2;41:21;48:3; 64:21;65:2;67:25;68:20,23; 77:23;101:7;111:24;117:9; 122:15;142:14,21;144:23; 145:19,22;146:22;147:10; 151:2,4,23;152:16;155:13; 192:5;195:13 Sami (1) 4:21 Samie (1) 59:21 Sandra (3) 125:20,21;126:8 Sarah (16) 46:24;52:16;56:13;78:13; 90:1,4,8,9;110:10;115:16; 125:15;126:8,11;145:8; 146:24;150:21 Sarah's (1) 186:18
---	--	--	---

Sartorio (2) 33:10;119:23	24;83:1,13;84:3,15;85:20; 86:19;87:3,8,24;88:10; 89:7;90:4,6,8;91:6,17; 93:10,18;94:3;95:4,14,17; 96:24;97:20;98:5,14,25; 99:12,17;100:4,17;101:4,7, 12;102:25;103:17,23; 104:14;105:2;106:1,11; 107:6,10,15;108:2,6,13; 109:6,14,21;110:3;111:20, 24;112:11,22;113:3,18,25; 114:8,17;115:3,7,12; 116:22,25;117:6,13,20; 118:1,7;120:16,22;125:3; 126:1,4;128:3;130:19; 131:1;132:2,6,19;133:17; 134:24;136:17;138:19; 139:15;140:4;141:6,11; 142:18,24;143:17;144:13, 21;145:13;146:5,8,12,19; 147:5,10;148:10;149:10; 150:4;152:21;153:6,20; 155:20;158:13;159:4; 160:10,15,17;161:4,16,22; 163:1;165:17;166:6,10; 168:4;169:14;170:23; 171:15,23;173:15,20; 174:21;175:4;176:9; 178:12,17;179:2,14,25; 182:9;183:1,3;184:15; 185:14,20;186:13;189:9; 190:21;191:2,9,12;192:6; 194:19;195:9,13;196:2,20; 199:1,20;200:5,25;201:17, 24;203:25;204:8;205:6,16, 23;206:1,14,18,22	16,16,17,18,19,21,25;41:1, 7,9,13,13,19,19,21;42:14; 43:25;44:1,11,14,14,17,19, 21,21;45:10,14,18,19;46:6; 49:8,9;52:16;56:22;57:9, 11;62:17,19,23;63:7,8; 108:25;109:5,9,13;110:15; 118:5;120:18,19,24;157:4, 6,25;172:12,18;173:2,4,8, 13,13;174:10;176:1; 181:11;187:11,11,13; 189:13;192:21;200:8	10:7 security (3) 9:24,25;10:4 seeing (16) 61:18;124:17;125:10; 126:7;127:14;138:9;145:8, 9,10,18,23,25;146:4,23; 179:10,23 seek (3) 28:4;46:13;203:24 seeking (1) 47:16 seeks (2) 184:4,6 seem (6) 32:5;61:20;64:5;74:21; 140:2;198:21 seemed (2) 61:25;62:9 sees (2) 131:3,13 selling (1) 24:8 send (3) 46:13;88:2;194:24 sending (4) 59:4;76:12,13;103:19 sense (1) 144:16 sensitive (2) 186:5;187:5 sensitivity (2) 186:12,15 sensory (1) 161:21 sent (13) 17:8;45:5;58:24;59:8; 84:22;88:8;95:3;96:21; 105:8,18;150:15;154:13,18 sentence (34)
S-A-R-T-O-R-I-O (2) 33:12;119:25			
saved (1) 183:17			
saw (20) 14:5;15:18;18:23;19:21; 24:11;29:14;30:12;31:21; 108:24,24;109:1;126:21,21; 129:16;147:22,23,25;148:3; 170:1;187:18			
saying (13) 15:2;16:14;21:5;44:2; 48:15;68:15;88:23;102:5; 116:20;146:21;179:16; 199:5;200:8		schooling (1) 121:2 schools (2) 22:3;176:7 science (1) 20:1 Scott (1) 4:8 screamed (1) 44:23 Screaming (1) 140:21 search (1) 15:7 season (1) 121:19 seasons (1) 124:14 second (20) 5:4;19:12;20:7,22;67:18; 74:19;86:21;90:15;97:14; 99:10;101:16;102:13,14,16; 154:24;175:14;180:16; 183:15;196:13;200:9	
scantily (1) 73:11			
scare (1) 73:10			
schedule (1) 136:11			
SCHMERLING (257) 4:17,17;10:16;11:8,21; 12:17;15:1,20;16:7,13;17:2, 14,21;18:2,11;19:2,13,24; 20:24;21:4;23:11,16,24; 25:2,25;26:2,9;27:11,20; 28:2;29:11;30:25;31:6; 32:7,12;34:17;35:7,10,19; 36:1,17;38:18;39:22,25; 40:12;41:24;44:18;45:12; 47:1,25;51:23;52:19;53:12, 18;54:1;55:15,19,22;57:3, 13,17;63:9;65:1,15,25; 66:15,23;67:9,15,18,23,25; 68:7,19;69:5,20;70:8,20; 72:2,15;73:18;74:5,11; 75:18;79:1;80:15;81:17,21,	School (89) 7:10,12;8:19,25;30:9,11, 19;31:12,19,20,24;38:15; 39:5,17,24;40:3,6,7,10,14,	section (5) 92:16;110:11;155:19; 180:16,17 secure (1)	

61:19,25;62:17,18,24; 63:3,13;64:2,9;69:9,24; 70:10;71:12;73:3,7,21; 74:24;75:2;85:4;99:4,12; 100:2;111:21;112:2; 149:21;152:15,22;154:2,25; 155:18;180:22;182:18; 184:3;186:12	seven (6) 67:3,8;68:16;91:4; 155:21;165:11	short (2) 61:3;179:3	sixth (1) 121:13
sentences (1) 201:19	seventh (1) 61:2	shortly (4) 46:3;56:22;57:10;206:24	skills (3) 161:15,18;178:1
separate (3) 57:17;81:25;129:10	several (9) 14:9;15:3;42:18,19; 66:10;99:1;138:8;145:9; 193:10	shouted (1) 44:23	skin (17) 69:12;74:4,10,16,18; 83:12;111:9,10;112:25; 113:6;114:14,15,22,23; 117:8,11;186:8
separately (2) 64:22;99:25	sex (6) 54:22,25;55:3;111:13,15; 154:13	show (5) 25:12;56:14;75:20;90:3; 147:18	Skype (5) 17:19,22;189:6,10,11
September (12) 30:21;38:20;39:1,15; 41:10;44:20;45:9;62:19; 145:11;189:14,18;200:4	Sexual (10) 47:8;56:24;86:24;87:13; 154:12,14,15,19;204:19; 205:4	showing (3) 27:19;44:3;90:22	Skyped (2) 169:8,15
sequence (1) 145:7	sexually (4) 86:5;89:2,6,12	sibling (3) 14:21;72:1,13	Skyping (1) 169:22
serious (3) 59:9;61:23;64:10	share (2) 130:10;197:22	siblings (8) 33:3,4,17;34:2;62:11; 71:20,23;111:15	slapped (2) 50:3;69:25
service (5) 126:24;155:15;166:16; 173:17;175:12	shared (1) 109:5	sick (1) 183:18	slept (2) 83:16,22
Services (13) 4:4,12,14;47:6;78:12; 110:4,8;125:25;153:17; 155:24;159:10;181:15; 195:4	sharing (1) 42:16	side (2) 37:8;205:10	small (2) 199:23;200:2
session (7) 90:14;91:20;92:2,5; 93:21;131:9;203:18	Shaw (2) 59:14;76:1	signed (3) 59:2;94:19;122:3	Smith (64) 49:20,21,24;53:8,22,23; 54:15,16,21,23,25;56:4; 65:9;66:10,11,12,13,21; 67:7,11,22;68:6;69:1,4; 70:1,5,6;73:8,19,22;75:6; 78:2;82:19,24;83:6,17; 88:12,18;102:20;110:14,23; 111:4,8;112:19;114:12,14, 22;115:6;117:4;149:25; 151:3,5,18,18,24;153:2; 195:8,12,20,20;196:6,12, 17;201:8
sessions (3) 131:6;189:6;203:14	Sheet (1) 3:7	simply (2) 15:14;84:21	Smith' (1) 64:12
set (4) 18:12;137:6,8;167:18	sheets (1) 83:17	simulated (1) 87:14	Smiths (2) 66:10,14
setting (7) 17:17;132:24;133:15; 177:22;178:7,13;186:21	shift (1) 117:15	sister (1) 34:3	Smith's (16) 53:5;54:5,24;55:1;56:5;
	shocked (2) 50:15;84:17	sit (1) 146:16	
	shocking (2) 51:4;77:11	sitting (1) 203:8	
	shoes (3) 185:4;194:5;195:1	situation (4) 68:13,21;69:6;135:6	
	shopping (2) 73:23;132:18	situations (4) 184:8;185:12,13,17	
		six (11) 11:5,15,16;39:4;123:4; 130:24;133:11,20;134:8; 139:17;153:12	

68:25;77:9;80:19;86:8; 87:21;88:4;110:20;130:12, 16;186:16;201:7 sneak (4) 55:6;73:9;82:6,14 sneaky (1) 184:9 snuck (1) 111:2 soccer (4) 121:22,23;122:3;124:7 Social (9) 42:16;90:2;92:19;102:18, 19;158:2;161:15,18;178:1 socializing (1) 42:15 software (3) 161:21;162:10,17 somebody (4) 118:6;133:2;145:2; 176:22 someone (7) 20:19,19;76:2;145:4,5; 163:15;198:20 something (32) 13:7;27:16;46:14;53:23; 65:9;73:19;80:17;89:10; 112:24;113:15;114:25; 115:4;143:11;147:19; 159:23;160:23;166:19,23; 170:18;179:9;183:21; 188:12,14;190:2;199:23; 201:16;202:10,11;204:3,22, 25;206:13 sometime (1) 49:4 Sometimes (12) 45:5,6,7;54:7;56:9;91:25; 116:9;121:6;131:21; 135:18;143:9;145:6	Somewhat (1) 173:14 sore (3) 131:25;176:2;177:10 sorry (25) 36:6;38:13;51:25;73:4; 74:6;82:8,9,10,11;87:6; 89:3;99:7,8;102:2;103:2; 106:13;107:21;126:8; 127:21;157:9;164:22; 181:23,24;187:2;198:13 sort (15) 13:13;14:23;21:25;51:6; 56:6;74:23;91:24;149:2; 158:1,1;168:5;202:7,23; 203:8;204:24 sought (2) 12:5;46:19 sound (2) 124:1;200:14 sounded (1) 72:9 sounds (5) 79:18,21;198:7;199:4; 200:10 source (2) 112:21;194:18 space (1) 205:2 spank (2) 72:19;201:12 spanked (5) 73:1;116:17,20,24; 197:25 spanking (1) 197:4 speak (17) 32:8;44:5;101:19;102:6, 7,17,21;103:1,2;104:3; 179:16,19;186:17;199:2,10,	12,19 speaking (6) 79:10;100:5,22;103:6; 132:25;200:19 speaks (1) 199:4 special (5) 156:1,15,18;181:12; 196:10 specialty (1) 195:3 specific (10) 18:3;27:16;31:1;92:1,3; 132:21;184:10;185:15; 187:25;202:12 specifically (5) 19:14;20:8;54:2;99:24; 166:7 speech (2) 78:16;154:8 spell (9) 9:21;33:11;36:10;118:24; 119:20,24;120:5;124:22; 138:15 spend (1) 170:13 spent (2) 64:12;156:21 spoke (4) 52:21;101:10;104:4; 169:22 spoken (1) 52:2 spontaneous (2) 66:1;144:9 sports (3) 120:21;174:7,8 spraying (1) 55:4 spring (4)	39:14;44:7;121:19; 124:13 square (1) 67:13 squeeze (1) 93:25 squeezed (1) 90:25 squeezing (2) 93:9,16 ST (8) 3:3;4:3,7,23;94:11; 110:17;112:5;113:12 stabilized (1) 142:21 stable (1) 201:22 Stacie (1) 4:17 staff (3) 176:4;177:12;192:8 Staffer (1) 110:10 stalls (1) 174:20 stand (3) 146:2;160:22;205:9 standard (1) 73:10 standing (5) 36:14;37:21;42:24;53:17; 204:4 start (16) 10:18;30:11;41:9;48:2, 17;49:13;62:16,19;65:10; 116:4;120:24;147:18; 171:3;191:5;206:20,20 started (30) 15:7;29:7;30:8,14,20; 38:15,21,22;39:14;42:8,10,
---	--	---	---

12,13;44:3,4,19;46:3;48:13; 49:3,8,10,18,24;77:24; 79:10;126:7;138:8;145:9; 171:4;178:9	18:22;19:17;142:14; 190:5;192:5	133:7,13	subsequently (1) 66:17
Starting (4) 11:22;30:13,16;45:10	staying (2) 142:21;144:23	strangling (1) 45:15	subsidy (2) 25:9;26:3
starts (6) 31:19,20;75:25;87:11; 95:13;112:3	steal (1) 43:19	99:19;156:22,25;157:1	substances (1) 110:24
starved (2) 176:8,12	stealing (2) 181:1,11	street (4) 6:24;36:14;37:21;125:8	successful (2) 177:23;178:8
starved/abused (1) 176:1	stepped (1) 167:19	Strengths (1) 182:15	successfully (1) 168:10
state (3) 65:9;113:19;171:21	steps (8) 17:1,5,16;106:24;168:6,9, 20,25	stretch (2) 21:9;191:14	suffered (1) 87:20
stated (1) 89:10	stick (1) 143:10	string (1) 75:24	suffers (1) 163:16
statement (4) 98:8;184:18,20;206:8	still (20) 22:7;25:7;60:18;63:4; 65:23;79:12;96:4;97:3; 130:1;132:13;138:10; 144:25,25;165:12;173:7; 193:16;194:6,11;203:1; 204:9	structure-wise (1) 26:12	sum (1) 113:19
statements (3) 92:18;93:3,16	stimulated (1) 86:25	struggles (1) 192:13	summaries (1) 58:2
States (4) 14:4;171:21;177:20; 194:22	stomp (1) 152:12	student (1) 193:21	summary (1) 113:20
stating (4) 93:5,11,22;195:16	Stomping (1) 43:12	students (2) 37:6;192:21	summer (10) 61:21;62:1;124:11,12,13; 148:4,15;190:8,12,13
status (1) 60:14	stopped (2) 35:14;145:8	studied (1) 9:3	summers (1) 190:9
S-T-A-U-F-E-R (1) 110:10	store (4) 73:25;132:18;133:1,6	studies (1) 14:8	Sunday (2) 44:13,14
Stauffer (7) 78:13;81:7,12;113:16,23; 182:7;185:16	stories (8) 56:23,25;57:1,9,11; 149:24;150:3;202:4	Studio (2) 122:10;124:2	super (3) 32:14;151:16;152:23
S-T-A-U-F-F-E-R (1) 78:14	story (2) 150:10;200:18	Studios (1) 123:3	supervised (1) 162:23
Stauffer's (1) 81:1	straight (2) 8:3;23:10	study (10) 9:2;12:6,10,14,15;13:15; 14:7,14;15:21;106:20	supervisor (2) 138:12,13
stay (2) 20:14;137:23	stranger (2)	subject (2) 26:5;188:5	supplement (1) 105:23
stayed (5)		submit (1) 14:8	Support (10) 3:21;4:4;99:19;100:8,11, 12;138:11;181:16;188:9; 192:8
		submitted (3) 14:7,14;15:21	supported (1)
		subparagraph (2) 155:14,15	

100:14	74:25	196:9;197:7,10,15;200:15	111:6
Supporting (1)	sworn (2)	talking (28)	tasks (1)
138:6	4:16,24	31:9;40:15;48:13,18;	13:5
supports (1)	sympathetic (1)	49:3,10,18,24;51:16,16,21;	tasted (1)
121:2	65:18	56:4;65:16,17;69:16,18;	50:6
suppose (1)	symptoms (3)	77:24;80:11;86:4;91:15,23;	taught (2)
184:20	175:18;182:2;201:20	133:8;136:10;138:1;	123:20,23
supposed (1)	system (2)	140:22;166:12;173:24;	taxes (1)
205:9	162:25;163:2	190:11	158:7
sure (67)	systems (2)	talks (4)	Taylor (11)
5:7,10;11:16;13:6;15:9;	9:8,11	96:20;152:19;175:21;	4:13;103:1,2;116:1,6,9,
16:3;17:24,24;18:13;19:3;	T	200:10	16,17,20;180:8,12
24:19;26:10;27:21;31:7,16;		Tan (1)	Taylors (1)
35:14;40:20;42:10;43:5;	TABLE (1) 3:1 tainted (1) 110:23 taking (19) 6:3;10:25;26:25;27:18, 22;41:7;42:24;43:1;66:6; 73:22;116:13;123:10,13; 127:19,22;138:4;181:2; 197:7,10 talk (31) 38:16,20;45:19;50:25; 51:3,6,7;56:3,7;61:25; 64:16;65:6;75:1;79:10; 94:25;115:25;117:15; 130:1;151:15;152:23; 165:12;195:19;197:14; 198:5,5,6;199:11;200:2; 204:14,16;205:7 talked (33) 47:21;50:4,12;51:10; 52:5;54:8,16,19,21;55:6; 58:6;62:22;73:22;83:5; 90:21;91:8,13;101:13,14; 105:4;116:12;130:4;139:9; 169:24;182:5;195:14,18,22;	140:11	197:2
47:4;51:4,8;57:23;58:17;		tantrum (1)	Taylors' (2)
75:8;76:21;91:7;100:20;		141:9	115:22,24
103:11,24;106:20,25;		tantrumed (1)	teacher (8)
108:15;109:18;120:12;		141:21	9:3,4;40:11;45:20;
127:11,11;129:25;130:20;		Tantruming (5)	176:21;181:3;200:8,13
131:20;132:11;134:4,9,13;		131:22;140:11,16,20;	teachers (11)
140:25;141:8;143:5;		141:19	42:17;43:7;62:21;176:1,
147:17;148:12;156:13;		tantrums (9)	7,12;177:5;180:23,25;
162:3;165:2;166:4,14;		61:13;140:14;141:25;	181:5,7
168:15;174:22,25;179:7,15;		142:5,8,9,13,16,21	team (3)
183:14;185:21;192:15,22;		tanturing (1)	134:6;192:24;193:2
195:5;202:14;205:1;206:3		140:8	teammates (2)
surprise (2)		tap (1)	134:6,7
61:1;176:24		122:13	tearing (1)
surrounded (1)		tape (10)	43:10
71:2		34:9;37:10;63:15;89:15,	tease (1)
Survey (1)		17;134:19;135:25;161:10;	111:5
160:2		190:19;191:15	teased (1)
suspect (1)		tar (4)	186:7
77:19		111:7;114:5;117:4,12	technical (1)
swarmed (3)		Tara (1)	9:7
70:16,18;71:22		38:9	teenage (4)
swarmed' (2)		targeted (4)	71:19,23,25;72:13
70:12;71:19		110:21;112:20;113:13;	teenager (6)
sweater (5)		186:7	72:5,10,19;89:13;93:25;
45:15;46:6;47:23;48:12;		targeting (1)	201:12

telephone (6) 17:19;169:22,23;189:5,6; 193:1	therapist (37) 46:23;56:2,12;58:3; 89:12;99:18;100:9,10,14; 110:10;124:17;126:6,20; 127:1;131:3,8,13;133:18, 22;145:10,18,24,25;146:18, 24;169:16;178:21;179:5,7, 17;180:1;182:7;183:5; 185:16;186:14;192:7; 203:14	17:1,22;21:18;22:2,9,13; 24:19;26:17,23;27:5;29:14; 30:8;36:11,12,13;37:19; 38:4;41:25;42:1,9,11,20,21; 43:4,16;47:21;48:7;49:9; 51:6;52:11,12,17;55:4; 57:15;58:24;61:12,15;63:4; 67:3;68:11,14,23;76:7; 80:16,24,25;90:13;91:3,25; 96:3;101:15;102:16;105:3, 9,14;107:1,7;115:20; 119:11;120:2,14;124:16; 129:12,13;131:20;133:21; 136:10,12;138:21;143:3,5, 15;144:24;145:1;146:1,7, 14,15;147:1;148:16,19,23; 149:3,9;150:14,16;151:12, 21,22;160:6;161:12,18; 164:18;165:3,25;166:16,21; 167:17;169:20;171:11; 173:17;174:10,19;176:22; 181:9,13;182:5;183:14; 184:21;185:2;188:24,25; 189:3,10,11;190:7,22,25; 192:25;194:2,21;196:13; 201:20;202:16,23;205:11; 206:12	84:9;86:13;93:3;96:22; 97:3;103:9,11,15;105:1,16, 16,24;106:21;122:16; 131:6;134:15;137:5; 138:10;139:11;140:15; 142:9;143:14;144:20; 150:17,24;151:10;161:6; 168:12;173:3;174:4,5; 175:1;181:7;184:6;185:5, 10;186:2;189:7;192:2,22; 193:13;194:17;201:14; 202:18
Telling (15) 43:15;54:3;57:2;83:22; 84:4;85:6,11,14,19;88:16; 89:12;113:2;116:12;176:1; 177:14	therapists (1) 202:1		though (5) 60:19;67:20;75:10; 146:10;166:18
tells (1) 91:25	therapy (23) 52:7,23;56:2;93:21; 99:22,23;120:20,20;127:3, 5;130:20;137:25;138:5,9; 145:20;155:12;156:19; 161:11;168:20,21,22; 202:14;203:10		thought (27) 15:14;30:12,12;51:15; 61:18;67:14,24;68:5,8,18, 21;69:3,6,15;77:9;84:16,17, 20;107:7;130:12,13,15; 154:22;183:8;197:16,20,25
tend (1) 141:16	Thereabouts (1) 118:19	thinking (2) 106:22;204:22	
ten-minute (1) 108:14	thereafter (1) 206:25	third (8) 71:10,12;83:4;99:4,7,8; 149:19;182:3	thoughts (1) 131:5
terminated (1) 189:7	thing (15) 10:6;12:7;13:13;14:23; 29:5;32:4;42:24;77:1; 124:11;134:11;151:20; 162:16;192:12;197:8; 204:23	thirsty (1) 79:24	three (19) 29:16;73:5,10;96:9; 105:17;118:19;119:2,2; 122:6,17;125:15;137:19,24; 138:4,10;142:17;144:20; 177:19;188:17
terms (4) 120:17;155:2,7;179:5	things (36) 43:23;50:8,9,10;53:14; 54:5;68:15;79:24;80:1,3; 84:1,10,14;86:14,16;91:5; 92:20;106:21;140:21; 150:12,24;151:9;162:18; 163:21;164:9,12,12,14,15; 165:2;175:25;185:6; 192:18,22;198:8;199:17	those (71) 20:6;23:1,4;24:13;29:17; 36:23,23;40:24;42:7,22; 43:22,24;45:2;50:8,9,10; 53:1;55:24;56:9;57:1,6,9; 61:9;63:7,8;64:25;66:14;	three-year (1) 34:13
Terrace (1) 6:25	think (132) 5:16,23;7:5;15:22;16:14;		threw (1) 195:24
terrorize (1) 73:8			Through (19) 11:11;12:16;22:17,20; 31:14;32:9;64:2;66:24; 76:23;77:1;100:8;106:24; 135:11;159:24;168:21; 174:9;185:9;190:23;192:7
tested (2) 24:4,5			throughout (4)
testified (1) 4:25			
Testing (3) 61:10;160:8,9			
texture (1) 186:8			
Thanks (1) 95:13			
Thanksgiving (1) 170:16			
theater (4) 122:13;196:22,24,25			
ther (1) 183:5			
therapeutic (3) 165:14;167:20;184:19			

44:8;190:16;193:3,11	88:2,3,7,11,17,24;92:19;	10:11	10:24;16:25;17:1;55:7;
throw (2)	97:17,25;98:6;101:15;	training (2)	192:17,20;202:18
164:8,12	105:18,22;111:8;114:14,22;	161:15,18	trying (35)
throwing (3)	149:24;150:10;154:21;	translating (2)	13:4;39:2,8;61:13,14;
140:21;164:12;196:11	176:3,7,12;177:5,11;	80:13;81:8	63:4;80:16;86:24;87:12;
thrown (1)	187:22;188:8;200:12;	translator (5)	106:12;107:16;116:10,18;
196:3	203:10	78:18,23,25;79:20;	129:12;131:20,24;132:16;
Thursday (1)	tomorrow (1)	154:10	135:14;141:17;142:3;
169:10	205:18	trauma (10)	150:23;154:12;170:11;
tie (1)	took (14)	61:22;64:5;77:8;156:1,2,	178:25;179:11,12,18;180:6;
185:4	13:14;22:23;23:12;26:18;	15,16;175:18;177:24;182:2	181:13;183:17;184:8;
times (14)	27:1;43:21;50:22;57:22;	treat (5)	185:2,9,12;192:18
30:4;50:5;58:7;79:21;	86:7;107:8,12,20;111:2;	111:10;114:16,24;147:4,	T's (1)
101:22;122:6;130:3,24;	148:18	9	190:24
139:18,19;143:22;162:23;	top (7)	treated (3)	Tuesday (1)
164:8;183:10	125:7;150:19;151:7;	88:4;186:5,20	137:10
Tipping (1)	160:3;180:16,20;186:1	treatment (22)	Tuesdays (2)
43:12	topics (2)	110:16;112:3;147:12;	137:12,17
tired (1)	105:21,24	165:13;166:9;167:5,8,15,	tummy (1)
191:4	total (3)	20;172:10,12,13,15,21,22;	128:13
today (16)	8:6;25:15,17	173:1,6;177:21;178:7;	turning (1)
5:6;58:1,10;81:3;100:21;	touch (7)	182:21;192:4;193:15	60:5
117:21,23;118:2,9,11,13;	47:10;53:8;54:17;138:17;	tricking (3)	turns (2)
143:15;146:10,16;154:15;	150:23;203:10;204:24	182:22;183:2,9	42:24;44:23
191:3	touched (1)	tried (1)	Tusher (4)
Today's (1)	89:13	158:1	59:25;76:2;94:12;96:23
4:5	touchiness (3)	tries (1)	T-U-S-H-E-R (1)
together (5)	132:12,24;133:15	185:17	59:25
60:8;64:24;76:21;84:19;	touching (8)	Triggers (1)	tutor (3)
94:22	133:3,19;134:7;150:22;	184:1	157:11,15,18
toilet (2)	203:6,9;204:19;205:4	trip (6)	tutors (3)
78:3;110:25	touchy (1)	40:18;131:25;188:17,21,	157:7,10,15
token (1)	132:10	23,24	TV (1)
68:23	toward (3)	Tristin (3)	61:12
told (53)	153:25;175:20;180:21	36:5,7,8	twice (1)
13:24;20:23;21:3;24:3,7;	towards (1)	true (4)	128:17
44:21;47:14,22;50:8,9;	152:12	84:14;85:11,18;117:9	two (23)
51:10;54:4;56:12;61:7;	toys (5)	truth (3)	7:7,11;9:8;55:13;67:12;
69:15;82:17;83:3,14,24;	44:23;164:21,23,24,25	85:6,14,19	68:16,24;69:1;73:5;94:4;
84:2,8,16;85:25;86:2,3;	track (1)	try (7)	111:17;116:8;120:2;

124:16;128:12;141:7,12,13; 144:11;169:25;177:19; 198:10,15 Tyler (3) 33:14;102:23,23 type (9) 13:10;60:5,6;76:18,18; 105:13,14;145:19;170:24 typed (1) 60:7 types (6) 42:18;44:4;104:21; 146:22;150:18;186:16 typical (2) 120:15;173:12	10:1 United (3) 14:4;171:21;194:22 universities (1) 9:9 University (2) 9:1;16:10 Unsuccessful (1) 184:2 until (5) 46:17;69:12;126:21; 127:1;201:23 unusual (1) 163:17 up (51) 7:15,16;8:16;17:17;18:5, 12;22:22;43:10;44:3;45:23; 47:14;53:17;64:1;66:1; 73:3,9;86:5;92:23;93:5,11, 22;97:5;102:23;111:21; 115:9,15,17;122:3;123:21; 130:13,18;133:2,7;136:1; 154:1;167:18;171:4; 174:19;180:16;182:16; 185:4;189:6,6;195:24; 196:3,11;202:10,15;204:24; 205:14;206:20 updated (1) 190:6 upon (1) 137:1 ups (4) 61:1,4,6,16 upstairs (1) 50:23 urine (3) 54:9;110:22;183:12 use (15) 23:15,18,23;78:3;110:25; 139:24;151:1;152:6,16,20;	162:4,6,20;163:19;179:6 used (10) 70:18,18,24;79:9,21; 111:14;124:1;151:22; 153:2;199:23 uses (1) 140:1 using (3) 79:11;128:23;151:4 usually (4) 134:22;137:16;141:10; 202:10	Victor (1) 59:17 Victoria (40) 6:23;7:16;8:17;9:1;11:9; 12:13;20:12;26:8;32:19,22; 33:3,4,8,15,16,21,24;38:15; 39:6;40:8;48:23;102:11; 104:21;106:16;107:9,13,20, 22;118:4;124:25;138:2,5; 139:4,7;168:15;169:3; 170:7,10;186:20;194:7 Victory (1) 90:20 VIDEO (7) 3:3;4:7,12,14;162:24; 163:2;206:24 VIDEOGRAPHER (26) 4:2;21:12,15;34:8;37:11, 15;63:10,17,21;89:14,18, 22;108:16,19;134:18;136:2, 6;161:9;163:25;164:4; 175:5,8;190:18;191:16,19; 206:4 Videotape (13) 37:12,17;63:19,23;89:19, 24;108:20;136:4,7;164:2,6; 191:17,21 view (1) 205:3 viewed (1) 179:22 views (2) 205:3,7 Village (1) 172:14 Virginia (13) 102:24;103:3;115:22; 116:6,16;180:8,12;197:2,3, 12,13,17,19 visit (17)
U		V	
ugly (8) 73:12,24;74:3;83:8,11; 111:9;114:15,22 uncles (1) 62:8 uncomfortable (1) 203:19 Under (2) 128:6;182:14 understand (14) 5:7,12;26:10;80:21; 104:22;106:12,14;134:4; 136:18;141:8;150:9; 156:13;162:2;193:23 understanding (14) 27:17;67:13;106:16; 117:17;133:14;167:7,15; 172:7,20;173:11;189:8; 190:24;193:22;205:23 underwear (1) 80:23 uninitiated (1)		vagina (1) 54:13 vague (1) 40:13 Valley (19) 7:9;30:21;38:21,22; 39:15;41:10,17,23;42:3; 44:5,8,9,25;52:10;108:23; 176:7,12,15;187:15 Vancouver (1) 71:4 varieties (1) 131:19 variety (5) 131:16,17;132:1;140:8; 143:7 various (8) 49:25;69:11,19;71:16; 139:11;150:15;172:7;193:2 vary (1) 173:17 versus (1) 4:3 victim (4) 184:7,13,17,19	

18:5,9,9;19:4;20:5,8,11, 22:62:7;101:16;102:12; 149:6;170:7;188:21,25; 190:2;198:11 visited (1) 170:8 visiting (3) 20:7;40:25;189:3 visits (8) 105:16;129:20;159:6; 189:15,20;198:10,14,15 vocabulary (1) 199:21 vocational (2) 160:16;161:2 volunteer (1) 98:9 vomit (2) 180:9,13	108:7;183:20 wash (2) 176:3;177:11 washes (1) 192:12 watch (1) 61:12 water (10) 82:5,6,14,14,17,18; 110:22,24;111:2;198:9 Waving (1) 131:23 way (16) 8:25;57:9;99:19;104:5, 11;109:11,24;124:3; 136:15;145:25;150:11; 156:12,19;179:15;187:7; 204:6 ways (1) 16:21 weak (1) 122:6 wear (4) 54:6,11,12;111:1 websites (1) 14:3 Wednesday (1) 206:9 week (19) 56:6;92:15;121:7;130:6, 17,21,22;131:3;137:3,5,20, 24;138:10;139:21;142:5,6; 193:3;204:15,15 weekend (1) 26:24 weekly (8) 121:9,18;140:14;141:22; 142:9;144:15;202:6,14 weeks (3) 130:23;158:6;169:25	Weisheit (1) 76:2 W-E-I-S-H-E-I-T (1) 76:3 welcome (1) 77:2 Wellness (1) 129:21 Westshore (5) 122:10;123:2,12;124:2,3 wetting (1) 116:18 whatever (7) 39:10,19;51:3;117:21; 190:15;191:6;194:18 what-not (2) 163:19,22 what's (16) 16:4;27:17;38:1;41:16, 16;87:22;96:12;112:21; 116:5;120:15;136:14; 157:3;167:14,14;183:6; 192:3 Whenever (1) 108:8 When's (2) 130:4;170:9 whether (39) 14:21;23:8;24:16;43:24, 25;57:8;75:6,7;82:24; 83:12;93:24,25;109:1,4,11; 132:16,17;142:12,20,22; 144:6;146:15;147:1;148:7; 156:18;162:15;173:19,22; 179:22;192:4,16,16,17; 194:13;200:14;201:14,15; 205:18,22 white (1) 75:6 whole (5)	76:25;81:19;94:6;95:15; 109:24 whooped (1) 69:19 whooped' (1) 69:11 W-H-O-O-P-E-D (1) 69:11 who's (4) 123:16;129:7;138:12; 148:5 Wieland (2) 125:20,22 Williams (2) 51:22;94:17 winner (3) 151:15,19;152:23 withheld (1) 110:24 within (7) 15:11;31:25;44:4;48:4, 20;77:20;199:9 without (5) 6:3;13:11;77:18;152:13; 163:24 witness (21) 3:11;4:16,25;5:1;21:9; 57:23;58:17;78:9;87:5,9; 95:21,24;96:3,7;108:6,10; 128:6;134:17;191:8,10; 202:22 witnessed (1) 184:13 woken (1) 130:13 woman (2) 120:7,8 wooden (4) 49:25;50:17;69:12,19 word (8)
W			
wait (1) 200:8 waive (1) 206:17 Walk (5) 12:16;31:13,13;41:19; 73:11 walls (2) 130:14;140:22 wanted (19) 7:23;10:14,19;11:5,5; 15:12;39:16;59:10,11;62:4; 65:6;71:1;79:22;138:17; 183:11,11;191:12;198:8; 199:23 wanting (4) 46:2;61:11,12;62:9 wants (2)			

70:16,18,23,25;71:13,22; 74:14;175:14	worthless (3) 111:9;114:15,23	145:11;147:24;148:2,3,14; 167:24;168:19;170:2,12; 189:13,18,19,21,23,24; 190:1,16;199:9,24,25	0
worded (1) 57:10	write (4) 79:3;112:12;150:5;179:4	years (28) 6:17;7:2,6,7;9:18;11:13, 15,16;37:2;38:4;54:20; 68:16,24;69:1;91:4;111:17; 119:2;120:2;123:4;133:8; 142:13,17;144:11,20; 153:12;172:18,18;173:3	0.1 (1) 128:17
words (15) 78:18,23,25;79:6,11,16; 80:7,13;81:7;111:25;113:5; 154:10;180:17;199:23; 200:2	Writer (4) 90:20;91:8;110:17;112:4	yesterday (1) 206:12	09 (3) 39:1;48:23,24
work (27) 8:25;9:19;26:24;27:1; 45:3;65:22,22;135:11,14; 136:10,14,16,22,24,25; 137:4,6,12,14,23;138:3,20, 21;155:12;182:23;193:24; 200:22	writing (2) 94:21;113:23	you-all (24) 7:1;11:10,13,14,18; 13:17;18:10;19:22;26:6,13, 22;30:7,24;38:14;39:14; 48:22;117:19,21;161:20; 163:2;165:4;170:7;188:23; 189:15	1
workday (2) 134:21;136:19	written (6) 76:20;113:4;183:5; 185:21;186:18;187:7	young (2) 116:7,13	1 (11) 3:10;37:13;56:15,18; 57:14,16,18;84:7,14; 175:13;181:23
worked (7) 9:20;11:20;29:23;59:15, 19;60:3;98:15	wrong (3) 10:6;46:14,14	yourself (3) 40:25;179:23;203:11	1,200 (1) 158:6
worker (1) 92:19	wrote (8) 60:7;75:5;84:19,19,21; 85:9,16;179:7	yourselves (2) 4:16;159:13	1:09 (1) 108:17
workers (6) 110:18,19;112:6,6,9,9	W's (22) 46:1;53:23;67:21;74:20; 78:19;81:7;93:9;94:1; 118:18;120:15,23;129:7; 144:4;145:17;146:16; 154:11;156:1,15,20;159:6; 202:4,24	zero (1) 90:20	1:30 (1) 108:11
working (12) 12:1;27:14;119:5;135:3, 7;136:11,20;137:19; 156:24;167:9;168:20; 173:24	X	Z	10 (8) 3:19;58:23;64:18;84:25; 117:7;126:14;151:11; 181:16
work-product (1) 28:5	X-A (1) 90:19	Ziggy (8) 90:18,21;91:9,11,13,15, 19,24	10:17 (1) 37:12
works (2) 59:15;76:6	Xavier (1) 90:19	Z-I-G-G-Y (1) 90:19	10:27 (1) 37:16
worry (1) 176:24	Y	zoo (4) 19:23;32:3,3,13	109 (1) 3:18
worse (3) 144:23;145:24;146:17	yard (3) 32:16;82:6,15		11 (6) 3:20;97:10;153:17,20,22; 175:11
worth (2) 158:15,23	year (38) 7:5;8:22;39:5;41:13,14; 42:4;43:25;44:1,17;67:3,12, 12;119:11;121:20,24; 122:4;123:15;127:22;		11:09 (2) 95:11;96:13

143:16	78:13;110:9;175:12	24 (1)	175:6
12 (6)	2004 (1)	118:17	400 (2)
3:21;4:5;143:15;181:14,	205:11	24-hour (1)	25:21,22
17;205:14	2006 (1)	190:14	49 (1)
12:27 (1)	110:14	25 (3)	6:11
89:19	2009 (16)	7:23;29:16;105:17	5
12:30 (1)	18:5;20:13,17;21:2;	26th (1)	
89:23	26:14;36:18;38:21;41:10;	6:9	5 (7)
126 (1)	44:17;45:9;58:23,24;64:19;	28th (1)	
3:19	107:13;117:7;200:4	126:17	3:4,14;75:21,22;108:21;
13 (1)	2010 (17)	3	136:4;174:23
206:9	25:12;56:17;75:15;76:15;		5:02 (1)
15 (11)	82:10;85:16;86:1;94:10,24;	3 (12)	175:9
56:7;76:8,15;82:9;85:16;	95:10;96:12,17;103:13,20;		5:30 (1)
86:1;110:4;117:9;131:7,10;	117:9;149:15;153:13	3:12;58:18,19,22;63:23;	137:18
166:22	2012 (3)	84:7,14;89:20;96:10;	5:33 (1)
153 (1)	90:14;91:3;115:16	100:19;155:13;184:1	96:17
3:20	2013 (8)	3:15 (1)	5:35 (1)
15-page (1)	78:13;110:9;155:6;	136:3	191:17
81:18	172:19;175:12;181:16;	3:36 (1)	5:51 (1)
16 (3)	189:14,19	136:7	191:20
75:25;76:7,11	2014 (14)	30 (6)	57 (1)
17 (2)	126:10,13,17;138:8;	20:16;21:2;48:23;128:15;	3:10
6:17;11:12	145:8,11;147:19,19,23;	190:25;191:10	58 (2)
18 (2)	172:19,19;189:14,19;	30th (1)	3:11,12
7:21,22	190:13	26:14	6
181 (1)	2015 (10)	31 (1)	
3:21	144:2;145:12;148:3,4,14,	25:12	6 (11)
1984 (1)	15,21;166:2;170:4;172:19	4	
8:23	2016 (4)		4 (10)
2	4:5;122:1;148:13;206:10	3:13;71:3,7;84:7,14;	
	207 (1)	89:24;90:14,19;96:10;	
2 (11)	3:5	185:25	
	208 (1)	4:32 (1)	
3:11;37:17;58:9,11;	3:6	164:1	
63:19;82:13;84:7,14;128:4;	209 (1)	4:34 (1)	
149:14;181:24	3:7	164:5	
2:21 (1)	22 (8)	4:55 (1)	
108:20	94:10,24;95:10;96:12,16;		
20 (3)	97:10;103:13,20		

<p>3:16;7:2;86:4;90:3,10; 94:5;137:13;155:17;164:6; 191:17</p> <p>700 (1)</p> <p>202:19</p> <p>71 (1)</p> <p>3:13</p> <p>75 (1)</p> <p>3:14</p> <p>78 (1)</p> <p>3:15</p>			
8			
<p>8 (9)</p> <p>3:17;94:10,14;110:4,7; 149:15;153:13;154:1; 191:21</p> <p>8th (1)</p> <p>56:17</p>			
9			
<p>9 (8)</p> <p>3:18;58:23;85:9;109:19; 110:5,7;151:11;180:15</p> <p>9:00 (1)</p> <p>206:10</p> <p>9:13 (1)</p> <p>4:6</p> <p>9:43 (1)</p> <p>21:13</p> <p>9:48 (1)</p> <p>21:16</p> <p>90 (1)</p> <p>3:16</p> <p>94 (1)</p> <p>3:17</p> <p>992 (1)</p> <p>6:25</p>			